

The University of Chicago

SOME ASPECTS OF THE PHILOSOPHY
OF JOSEPH DE MAISTRE

A PART OF A DISSERTATION SUBMITTED TO THE
FACULTY OF THE DIVISION OF THE HUMANITIES
IN CANDIDACY FOR THE DEGREE OF DOCTOR OF
PHILOSOPHY

DEPARTMENT OF PHILOSOPHY
MARCH, 1942

By
ALOYSIUS ROBERT CAPONIGRI

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CHAPTER III

THE ORIGIN OF SOCIETY

Of all the problems of speculative discussion dear to the heart of the 18th century none, surely, was dearer than that of the origin of society. Indeed, it cannot fail to impress the thoughtful student that here, surely, he is confronted with one of the profound mysteries of history: a nation, raised by centuries of effort to great cultural eminence, by some perversity addressing itself to the fatuous problem of whether society is "according to nature." It is, perhaps, a recrudescence in the life of a nation of that self-doubt which attacks all human effort in the very moment of achievement, and which springs from man's sense of the inconsequence of his attainments before eternity and the mystery it veils. From such self-doubt only one source seems able to deliver man, a faith which lifts his efforts out of the measure of time, endurance and extent, and invests them with an absolute value which no doubt can assail. This is not to say that a faith which could achieve this might not itself be an illusion; it were an ultimate irony which only the soul of a Renan or a Santayana could appreciate, that man's self-belief should rest upon an illusory faith in something beyond himself.

The true temper of de Maistre's mind is clearly revealed by the attitude which he assumes toward this central speculative interest of his time. He posits the question only to demand whether it makes any sense under analysis. The question bristles with assumptions which offend him as heedless and gratuitous. To demand an account of the origin of society among men is to assume that it has had a beginning, and this assumption demands, in turn, the further assumption that in man's history there has existed a pre-societal state or condition.

Lorsqu'on met en problème les causes de l'origine de la société, on suppose manifestement qu'il a existé pour le genre humain un temps antérieur à la société.....¹

¹Étude sur la Souveraineté, Bk. I, chap. II (hereafter cited as Étude), Oeuvres Complètes (Lyon: Vitte et Perrussel, 1884-86), I, 315 (hereafter cited as OE.).

And yet, in the light of man's experience these assumptions reduce the whole problem to a tremendous petitio principii, for nothing in human experience warrants the assumption that human society has had a beginning in time; on the contrary, "c'est précisément ce qu'il faudrait prouver."¹ To posit the question meaningfully, de Maistre insists, one must at least entertain the opposing possibility; society may be without beginning in a temporal or genetic sense, may, therefore, be an element of human nature by definition, in the form in which that definition is derivable from our experience and historical knowledge. In this case to demand, "Whence is society?" is in the same breath to demand, "whence is man, whence is nature?" questions clearly of an entirely different complexion.

As the problem of the origin of society was framed by some of the most influential thinkers of the 18th century, it embraces the unfortunate antithesis of "nature" and "convention." De Maistre found this antithesis one of the most vulnerable points in his opponents' argument. The multitude of meanings attaching to the term "nature" throughout the course of the history of philosophy more than once engages his attention, but to his mind its true significance is beyond question: "la nature d'un être est d'exister tel que le createur a voulu qu'il existe."² The situation, therefore, upon which Rousseau's argument in particular rests, the situation in which man is conceived as existing in a state contrary to nature is strictly inconceivable in de Maistre's terms.

Societal primitivism consequently, in his polemic, turns largely upon the employment of the term nature as it is used in the delineation of Rousseau's "state of nature." De Maistre selects Rousseau as his principle adversary because, of course, Rousseau is the most influential exponent of this theory; but in Rousseau he is attacking a whole tendency in thought; Rousseau achieves in de Maistre's estimation the stature of a symbol. In seeking to dissipate Rousseau's contention he is striking both at historical and at logical primitivism.

1. Critique of Rousseau's State of Nature

At the very outset of his discussion of Rousseau's doctrine on this point de Maistre underlines this symbolic character

¹Ibid.

²Ibid., p. 317.

which Rousseau possesses for him:

Rousseau et tous les raisonneurs de sa trempe se figurent
ou tâchent se figurer un peuple dans l'état de nature.....¹

In his discussion proper he at once distinguishes two aspects of the "state of nature" which appear to him to call for distinctive treatment. There is first of all the purely descriptive, pictorial and pseudo-historical content of the doctrine; it is with forethought that, in the passage just quoted, de Maistre employs the term "figurer," for Rousseau's doctrine, he believes, is essentially a work of the imagination, which he employs lavishly in the depiction of this primitive state of mankind, with no effort to establish his contentions on any historical basis. Secondly, there is the metaphysical aspect of the doctrine; the question of the valid significance and implications of the term nature; this, de Maistre believes, is the more vital issue in the long run and it is about this issue that his own positive statement and solution of the problem of the "naturalness" of society turns.

Against the descriptive and pseudo-historical content of the doctrine de Maistre delivers several telling criticisms. The first of these is general, and embraces all points of this aspect of Rousseau's opinion. The doctrine merits no serious consideration because it resolves an historical issue in terms of poetry. The problem of a possible pre-societal state of mankind is in its strictest terms historical and can be resolved validly only on historical evidence. In place of this Rousseau offers the fictions of his own none too stable fancy: "Pour une telle description il ne faut que de la poésie,"² de Maistre writes with obvious disgust.

The charge of ahistoricity, in such a matter as this, is not a light one and might easily, of itself, serve to discredit the doctrine. De Maistre, however, does not rest content with this charge alone, but subscribes others, logically no more forceful, perhaps, yet more humanly telling. Of these the most important is his castigation of the crudely and flagrantly amoral details of Rousseau's description of life in this presocietal state. Rousseau intended, by his term "convention," to stigmatize many

¹Ibid.

²Examen d'un Écrit de J. J. Rousseau, chap. I, OE., VII,
511.

of the most basic moral conceptions of western and Christian civilization. The relation of the sexes and the family are clearly two of the central and untouchable pillars of morality as we know it in the west. Despite an almost continuous stream of rebellion against it, monogyny is the true form of the sexual relation in the west. Yet it is against just this concept that Rousseau directs some of the most fluent and specious passages of his description of presocietal life. The passages in which he singles out for attack each element of the conception of the relation of the sexes, monogyny and biological group continuity, or the family, are celebrated; he writes:

....l'appétit satisfait, l'homme n'a plus besoin de telle femme, ni la femme de tel homme; celui-ci n'a pas la moindre souci ni peut-être la moindre idée des suites de son action. L'un s'en va d'un côté, l'autre d'un autre....¹

and this is true because in the state of nature,

...men are confined merely to what is physical in love....²
Consequently, the conception of the family as a moral unit does not exist:

Dans cet état les enfants ne restent liés au père qu'aussi longtemps qu'ils ont besoin de lui de se conserver; sitôt que le besoin cesse le lien naturel se dessout: l'enfant exempt de l'obéissance qu'il devait au père, le père exempt des soins qu'il devait aux enfants, rentrent tous également dans l'indépendance....³

For these passages, and for others like them strewn throughout his works, de Maistre can never forgive Rousseau; for to his mind the latter no longer is taking liberty merely with the findings of history and anthropology, but with the sacred moral convictions of mankind, or at least of western and Christian organization. His sole comment on these passages reflects his attitude perfectly:

Tout lecteur honnête et qui a quelque idée de la dignité de sa nature est d'abord révolté par ces absurdes turpitudes, mais bientôt la pitié l'emporte sur la colère et l'on se content de dire:

Heureux de son temps pour cent bonnes raisons
Genève eût possédé de petites maisons
Et qu'un sage tuteur l'eût en cette demeure
Par avis de parents enfermé de bonne heure.⁴

De Maistre further expatiates at some length on Rousseau's confused and ambiguous doctrine of the savage, which

¹Ibid., p. 538.

²Ibid.

³Ibid.

⁴Ibid.

he understands to be an integral, if not essential, part of the doctrine of the state of nature:

Partout [he writes] il [Rousseau] parle avec éloge des sauvages; à son avis ils sont bien gouvernés; c'est parmi eux qu'il choisit tous ses exemples.....¹

in a word, makes the whole argument for the state of nature turn upon the simple beauty of the life of the primitive man.

How then does his account of primitive man concur with the reports of those who have seen the creature in his natural habitat, witnessed his mode of life, come into contact with his motives and ideas? Confronted with the picture of the life of the actual savage as anthropology discovers him, even Rousseau is taken aback by the abject brutality and inhumanity of his state:

Tout homme moral et sensible est révolté [de Maistre writes] par l'abrutissement et par la cruauté de ces sauvages d'Amérique dont Rousseau ose nous vanter l'existence heureuse; des hordes d'hommes abrutis arrants dans les déserts, presque sans idées morales et sans l'idée de la divinité, ayant tous les vices exceptés ceux dont les matériels leur manquent, des guerres interminables, le tomawack, les cheveleurs sanglants.....Rousseau lui-même le senti.....²

Rousseau had indeed sensed the impasse into which this sudden reference of his opinions to the evidence of facts has forced him; the manner in which he sought to free himself is well-known. He refuses to identify the ideal state of nature of which he had been speaking with the condition of any contemporary primitive groups; these groups are already, he asserts, when discovered, far removed from the "first" state of nature:

C'est faute d'avoir suffisamment distingué les idées et remarqué que ces peuples étaient loin déjà du premier état de la nature que plusieurs se sont hâtés de conclure que l'homme est naturellement cruel.....³

De Maistre notes this passage and is quick to take advantage of the confusion of mind it discovers in his adversary. By this distinction between the states of nature Rousseau is, to de Maistre's mind, only increasing the untenability of a position basically false. Rousseau had originally, both in the Contrat Social and in the Discours for the Dijon academy held that the state of nature placed man midway between the state of "animality" and that of civilization, by which he understood the

¹Ibid., p. 518.

²Ibid., p. 519.

³Ibid.

conventional culture from the restraints of which he suffered. (Even in this initial declaration, it might be pointed out, there lurks a basic confusion and contradiction of which de Maistre takes no note; Rousseau clearly removes the state of nature from the state of animality, yet declares in the passage which we have quoted above that in the state of nature man knows only the animal aspects of love.) Now he would have us conceive a further state, midway between the state of animality and the actual state of primitive peoples as science discovers it, which he would call the first state of nature and in which he believes that all his ideal claims will be verified. De Maistre attacks this new distinction as the veriest nonsense and a flagrant subterfuge:

L'homme sauvage [he writes] n'est donc plus une moyenne proportionnelle entre l'animalité et la civilisation; il faut chercher cette moyenne proportionnelle entre l'état d'animalité et celui de sauvage. Mais comment un homme beaucoup moins civilisé qu'un sauvage est-il cependant placé à des distances égales de la stupidité d'un brute et des lumineux 'funestres' de Newton, par exemple, ou de toute autre être 'dégradé'? Comment un état quelconque peut-il être à la fois intermédiaire et primitif, ou en autres termes comment le premier état de la nature n'est pas que le second?.....¹

In this passage de Maistre believes that he is pointing out unanswerable objections against Rousseau's position; but he is impatient of discussion, for he believes that it is useless to refute Rousseau in any logical and reasonable manner; he is capable only of being convinced of incompetence and doubt as to his own purpose:

Encore une fois il ne s'agit pas de prouver que Rousseau a tort....mais de prouver qu'il ne sait ce qu'il vaut prouver.....²

Though he thus curtly dismisses Rousseau, de Maistre does not dismiss the problem of the savage. He believes that any anthropology, to be adequate, must deal with this problem, and he suggests an answer, though only after changing somewhat the form of the question. De Maistre's major thesis is that the savage, the actual savage state, wherever found among men, represents, not a rudimentary state of society and culture, but a degraded state, both of human nature and of human society; in a word, the social objectification of original sin. All savage races are posterior to civilized races, he maintains, and represent

¹Ibid., p. 520.

²Ibid., p. 521.

their disintegration:

Ce qu'il y a de sûr c'est que le sauvage est nécessairement postérieur à l'homme civilisé; examinons par exemple l'Amérique. Ce pays porte tous les caractères d'une terre nouvelle. Or, comme la civilisation est de toute antiquité dans l'ancien monde il s'ensuit, que les sauvages qui habitaient l'Amérique¹ à l'époque de sa découverte descendaient d'homme civilisé.....¹

In the development of this thesis de Maistre distinguishes sharply between the barbarian and the savage. The former, he maintains, displays none of the debased characteristics of the savage: insensate cruelty, wantonness, etc.; he is nearer the true state of nature and represents a stage of development and progress, not of corruption and disintegration, and if one must speak of a "youth" or "infancy" of nations, de Maistre feels, it were better to say that in this period men are barbarians, and not savages.

En premier état les nations sont barbares, mais non sauvages. Le barbare est une moyenne proportionnelle entre le sauvage et le citoyen; il possède déjà une infinité des connaissances, des habitudes, une agriculture, des animaux domestiques, des lois, un culte, des tribunaux réguliers.....²

In support of this opinion de Maistre adduces Genesis and the Homeric epics. In the first of these, he maintains, we perceive the true infancy of man marred by no shadow of savagry or barbarism. In the second we perceive man in the barbaric state, removed alike from the perfection and simplicity of Genesis and from savage degradation:

Il existe un monument unique et le plus précieux dans son genre, à ne le considérer que comme un simple livre historique: c'est la Genèse. Il serait impossible d'imaginer un tableau plus naturel de l'enfance du monde.....Après ce livre vient l'Odyssée 'longo sed proximo intervallo'.....

Le premier ne présente aucune traite de la vie sauvage; dans le second...on trouvera la simplicité, la barbarie,... mais point de tout l'abrutissement du sauvage.....³

In another passage, he maintains further that the language forms from which some theorists would derive modern languages are not rudimentary, but fragmentary.

In a word, de Maistre, in keeping with the traditions of Christian mythology, would completely reverse Rousseau's picture. Savagery, far from being the primitive, original or initial state of mankind, is rather a terminal state, the term of the complete disintegration of man's original and natural perfection.

¹Ibid., p. 544.

²Ibid., p. 545.

³Ibid.

The true primitive state of mankind must be conceived as the state of first innocence and as one of the highest culture:

Rousseau et tant d'autres font pitié en confondant sans cesse l'homme primitif avec le sauvage, tandis que ces deux sont précisément les deux extrêmes.....¹

A. Art and Nature

De Maistre, in his criticism of Rousseau's theory of the primitive state of mankind, attaches great importance to Rousseau's distinction between nature and art. Undoubtedly, if viewed in the context of the history of aesthetic theory and literary criticism, Rousseau's contention and de Maistre's attempted refutation appear merely as incidents in the long controversy centering about these terms, with this exception, however, that in de Maistre's intention the argument has passed completely, as arguments in this field readily tend to do, into the field of metaphysics and morals. Rousseau's contention, generally well known, is that art is as unnatural to man as society, warping and stultifying, as society also does, the spontaneous impulse toward self-expression which is his natural endowment. Art, as the conventionalizing, confining and to a large extent repressing, of spontaneous impulse to expression is, indeed, to Rousseau's mind, one of the chief traits which identify corrupted societal man and distinguish him from his uncorrupted forest prototype.

In construing Rousseau's position de Maistre conceives it to be his intention to identify art and human perfectibility and to argue thence that "nature" and "perfectibility" are mutually exclusive terms. Nature is imperfectible, hence not amenable to the ministrations of art, which has as its prerequisite perfectibility of the subject, at least in regard to form, and which in its dynamic essence is the human process of educating form from the potency of (artistic) matter. De Maistre writes:

....si l'art humaine n'est la perfectibilité je ne sais ce que Rousseau a voulu dire.....Dès que on oppose l'art humain et la nature, comme le fait Rousseau, on ne sait plus où s'arrêter.....²

On the score of the identification of art and perfectibility de Maistre has absolutely no quarrel with Rousseau; it

¹Ibid., p. 544.

²Ibid., p. 531.

is an identification with which he thoroughly agrees. It is to the denial of the perfectibility as an attribute of nature to which he refuses his assent, to this and to the perverse concept of art as the corruption of nature, which is the natural consequence of the alienation of nature and perfectibility.

Nature, de Maistre maintains by contrast, has as its chief attribute this quality of perfectibility. Human art is the dynamic complement of this perfectibility. Considered entirely within himself man is, by constitution, facultative and potential, at least with regard to the fulness of his human nature. His whole life, his exercise of all his faculties, consist precisely in the process of actualizing the potency of his nature, in realizing its perfectibility; consequently, since this is the very meaning of art: "l'art humain est la nature de l'homme,"¹ and de Maistre continues with admiration:

M. Burke a dit avec une profondeur qu'il est impossible d'admirer assez que 'l'art est la nature de l'homme.....²

Again, therefore, we see that de Maistre has arrived at a complete reversal of Rousseau's position as he understands it, and, we may remark, at a very admirable statement of the "classical" theory of art. The consideration of this aspect of Rousseau's thought, however, has convinced de Maistre that nothing is more necessary for the refutation of this opponent, and of all who share his views, than a thorough philosophic analysis of his employment of certain terms. Nothing, he is convinced, gives Rousseau a more specious advantage over his adversaries than the license which he assumes in his employment of terms; therefore:

....le meilleur moyen de réfuter cet prétendu philosophe c'est de l'analyser et de le traduire dans une langue philosophique.³

One of the terms with which he believes Rousseau has taken the greatest liberty is the term nature; hence, this beyond all others needs just such analysis. What, he demands, is the legitimate philosophic employment of this term, to which Rousseau's erratic use may be referred for judgment?

B. The Meaning of "Nature"

For the purposes of philosophic discussion, de Maistre holds, three meanings of the term "nature" can and must be

¹Ibid., p. 533.

²Ibid.

³Ibid., p. 537.

recognized and distinguished. In the first of these uses, the word denotes the secondary causal activity of God. Theistic philosophers, he tells us, have always recognized, in addition to the immediate causal activity of God, a realm of secondary or mediate causality. This secondary causality, though wholly reducible to the primary causality of God, and possessing no other intrinsic efficiency than that of being the instrumentality of the divine will, yet possesses so perfect an order and coherence within itself that philosophers of this persuasion have, in a sense, substantialized or hypostatized it and denominate it by a distinctive name "nature." In a certain sense, nature is thus the "ordinary" providence of God, the collection of forces which He has set in motion for the attainment of the general ends of his creation and which operate, therefore, with a certain regularity which enables one to "detach" them for the purposes of speculation from the primary act of creation of which they are, nevertheless, the temporal continuation. Whether or not these forces are substantially distinct from the substantial creative act of God, is a question which de Maistre leaves unanswered, as he writes:

Tous les philosophes théistes, surtout les anciens, n'ont pas cru que les phénomènes visibles ou invisibles de l'univers fussent l'effet immédiat de la volonté divine. Tout le monde se rend pas compte exactement de ses opinions sur cet sujet, mais si l'on s'examine bien on trouvera qu'on est porté assez généralement à supposer l'existence d'une force quelconque qui agit en second dans l'univers..... Nous sommes presque invinciblement portés à croire l'existence d'une force secondaire qui opère visiblement et que nous nommons nature.....
de quelque nature qu'ils soient ces principes [of nature] il est certain qu'ils exécutent médiatement ou immédiatement la volonté de l'intelligence divine et infinie: ainsi en les nommant on la nomme.....¹

The second legitimate philosophical employment of the term nature which de Maistre is prepared to recognize, is its use to designate the totality of finite beings in the coherent and ordered plan of the universe. All things which are, in potency or in actuality, in the realm of divine effects, constitute nature, whether they be substances, events, processes, accidents or ends; outside this totality, by definition, there can exist only the realm of the supernatural, of grace and extraordinary providence:

¹Ibid., pp 5, 22, 23, 24.

L'ensemble des pièces qui composent le tout doit avoir un nom, et nous lui donnons assez communément celui de 'nature,' en parlons surtout de l'univers qui nous habitons.....¹

The third and last sense of the term which he believes to be philosophically acceptable is the designation, by this term, of the collective determinative characteristics of an entity in the realm of universal nature, i.e., that consistent group or grouping of characteristics: qualities, faculties, relations, etc., which serves to discriminate and distinguish any given entity from others in kind (not merely in number) and which by that very token constitutes, for us, the essence or nature or "kind" of the entity.

Et par une analogie toute naturelle nous donnons à l'assemblage des parties ou qualités qui composent un tout quelconque, bien que ce tout ne soit lui-même partie d'un plus grand ensemble, le nomme 'nature'.....²

In addition to these three, de Maistre is prepared to recognize as acceptable a fourth use of the term, somewhat more complex than the earlier. This is its use to indicate the quality of perfectibility which, we have seen in an earlier discussion, he positively identifies with the nature of any object. In developing this idea he seeks aid from the utterances of Pufendorf, a jurist whose ideas, he admits, are scarcely in fashion but which, nevertheless, commend themselves to him by their intrinsic good sense and by the felicity with which they express a general insight:

Je cite ce jurisconsulte célèbre quoique il ne soit plus, à la mode parcequ'il exprime si bien des idées qui sont à peu près dans toutes les têtes.....³

Pufendorf, according to de Maistre, declares that there is a sense in which the term nature may rightly be used to designate the state of an entity and especially of man as deprived or better, yet innocent of all development and accomplishment, which, in man's case, would mean of all art, technic and culture, and in the case of the individual man, all education, habit, accomplishment and perfected talent. De Maistre elaborates upon Pufendorf thus:

C'est celui-ci [l'état] où l'on conçoit que chacun se trouve par sa naissance, en faisant abstraction de toutes les inventions et de tous les établissements purement humains ou inspirés à l'homme par la divinité....et sous lesquels nous comprenons non seulement les diverses sorts

¹Ibid.

²Ibid., p. 526.

d'arts, avec toutes les commodités de la vie en général mais encore les sociétés civiles dont la formation est la principale source du bel ordre qui se voit parmi les hommes....¹

In this sense, Pufendorf declares paradoxically, the state of nature is contrary to the will of nature. The paradox is readily resolved if the statement is translated into the exact employments of the term nature as he has outlined them, de Maistre assures us. Nature, in the sense of the dynamic process of the accomplishment of the divine purpose (nature, that is, as the realm of secondary causal force) does not tolerate the quiescence or stagnation of the nature, in the sense of the primitive endowment of qualities, faculties, potentialities, of the entity, but works always to its full blossoming and fruition. Translated into de Maistre's basic terminology: God, though he creates natures in the state of potentiality, by His providence intends their full development.

Lorsque Puffendorf dit que l'état de nature est contre nature il ne se contredit point; il donne seulement au même mot deux significations différentes. Dans le premier cas ce mot signifie un état, dans le second, une cause....²

Hence nature, as process, is not primitivistic, but progressive and perfectionistic. It is useless to look for the full or true nature merely in the aggregate of undeveloped potencies, as foolish, de Maistre says, as to look for the nature of man in the infant.

With this all-important discussion behind him, de Maistre addresses himself to the consideration of Rousseau's proposition that society is contrary to nature. What can this proposition mean, he demands, in terms of the true and legitimate significations of the term nature?

First of all, what meaning can attach to this proposition if we employ the term "nature" to indicate the realm of secondary causes? Truly, none; for nothing can exist within the universe and yet be without the pale of the efficiency of its causes, unless it be supernatural and the work of grace. But Rousseau is surely not prepared to hold either of these alternatives; rather, he thus, at one stroke of the pen, places society outside the ordinary and extraordinary causality and providence of God, suspends it in the void as the effect without

¹Ibid., p. 526.

²Ibid., p. 527.

cause. No, since society is in the universe, it is a natural phenomenon in this sense of the term at least.

Can any greater sense, de Maistre then demands, attach to Rousseau's proposition in the second legitimate employment of the term nature? Can it be possible that this philosopher is ready to contend that society as a physical and moral entity is outside the totality which comprises nature? The mere statement of this possibility refutes the proposition thus understood.

Neither, he continues can either of the remaining philosophic uses of the term be bent to Rousseau's purpose. To deny a priori that social life is one of the implications of the constitutive nature of man, one of his basic potencies the fulfillment of which is essential to the integrity of his nature, is to challenge both logic and fact; since man has, de facto, achieved social life, it obviously lay within the potency of his nature; moreover, in the establishment of the true concept of any nature, not a priori definition, but only history and experience suffice. We come to know the true nature of any entity through the understanding of its history. Equally impossible is it to hold that the dynamic course of nature does not demand that this potency of man's constitutive nature for life in society be fulfilled and actualized. All evidence of human experience testifies to the contrary; historic forces of every kind exact of man life in the group.

In none of the legitimate senses of the term nature, consequently, can any philosophic meaning be ascribed to Rousseau's contention that society is anatural. At this point, therefore, de Maistre leaves off the attack on Rousseau to address himself to the more congenial and fruitful task of shaping a positive solution to the problem of the origin of society.

2. De Maistre's Positive Opinion of the Origins of Society

At the very outset of his discussion, as we have seen, de Maistre takes exception to the ordinary formulations of the problem of the origin of society. To ask simply how did society originate among men is to make the bald assumption that there must have been, in man's history, a time when he did not live in society. Such an assumption, obviously, is entirely unwarranted on any adducible grounds. In order to formulate a

meaningful reply to this problem, therefore, it must be restated, entirely free from assumptions of this type.

As a possible formulation the simple query, "Is social life natural to man?" would, on the face of it, appear perfectly acceptable, save that there must invariably arise in its wake such vexing problems as the meaning of nature. De Maistre has foreseen and forestalled this difficulty for the purposes of his discussion by enumerating the "legitimate" uses of the term, but still finds the formulation inadequate because it does not indicate the method and criterion by which a solution might be attained and tested. The very discussion of the meaning of the term nature, however, from which he has just emerged, furnishes a clue to the truly adequate formulation which he is seeking. In that discussion it has appeared that the nature is discoverable to man primarily through history. This is especially true of man himself, that only history reveals his true stature. History, therefore is the key to the nature of man. Now the question, "Is Society natural to man?" can have meaning only in two of the legitimate uses of the term which he enumerated: it can mean, first, is life in society one of the basic and constitutive potentialities of man, and, second, has social life arisen in his history by the ordinary action of secondary or natural forces or has it been introduced from without the realm of secondary causes by the direct action of grace, in the manner in which the Christian church is believed to have been established? And these questions, though thus able to be stated separately, are really in substance one and inseparable, for an affirmative reply to the one implies an affirmative answer to the other: if society has arisen naturally, then the potency to social life is natural to man, and, conversely, if the latter is the case, natural forces suffice alone to educe the full form. To man there is only one legitimate avenue open to a reply to these questions: history, the full account of man's stay and development on earth. This is the full meaning, we believe, of de Maistre's cryptic statement: "Toute question sur la nature de l'homme doit se résoudre par l'histoire...."¹ The problem has thus, to de Maistre's mind been placed upon a firm and intelligible philosophical basis, both in that its terms are philosophically mean-

¹Étude, Bk. I, chap. II, OE., I, 316.

ingful and in that the problem of methodology is faced before the central issue is agitated.

De Maistre feels free, consequently, to place the direct question: Is there historical evidence one way or the other on the issue of man's natural social status? His reply is clear:

Or, si nous demandons à l'histoire ce que c'est l'homme, l'histoire nous répond que l'homme est un être social, et toujours on l'a observé en société....¹

From this historical evidence, it is important to note, de Maistre draws both a conclusion as to a matter of fact, namely, that man has always dwelt in society, and a conclusion of a metaphysical order, that man is a social being; thus great does he conceive the demonstrative force of history to be--and he feels that no enumerations of anomalies can prevail against the strength of this historical evidence:

On est fort dispensé, je crois, de s'occuper de quelques hommes sauvages et isolés, trouvés dans les bois et vivants à la manière des bêtes. Ces histoires, si elles sont vraies, sont des anomalies si rares qu'elles doivent être mise à l'écart dans l'examen de la question qui nous occupe.....²

Moreover, the weight of this evidence is proof against all polemic, both because of its intrinsic force and, because, from the nature of the question, the onus probandi must rest squarely upon anyone temerarious enough to challenge it:

....il faut bien marquer qu'on n'a point droit de nous dire: 'Prouvez que l'homme a toujours vécu en société,' car nous répondrions 'Prouvez qu'il a vécu autrement,' et dans ce cas rétorquer c'est répondre, parceque nous avons pour nous non seulement l'état actuel de l'homme mais son état de tous les siècles attesté par le monuments de tous les nations.....³

Having thus resolved, upon grounds which appear to him to be quite unimpeachable, the initial question of whether man has ever known life outside societal forms, de Maistre is led to posit a further question. Since man, upon the evidence of history, has always dwelt in society, and must therefore be considered social by nature, what, de Maistre asks, may we learn from history of the original societal form among men? The question assumes in his mind at this point the form of the perennial uni-original, multi-original problem: "les hommes que nous voyons si bien maintenant," de Maistre demands, "d'ou

541. ¹Examen d'un Écrit de J. J. Rousseau, chm I, OE., VII,

²Ibid.

³Ibid.

viennent-ils? Descendent-ils d'un ou de plusieurs couples?"¹

In response to this question thus formulated de Maistre believes that he can decide for unioriginal descent upon evidence from two unquestionable sources: reason and revelation. In this connection, it is important to note, de Maistre wishes to employ the documents of revelation, as he has said many time before, purely as historical documents, and to abstract completely from their sacred character; one can deduce from this some of his probable conclusions on the philosophy of history. Revelation, merely as history, he has already said, is an unimpeachable document; moreover, its evidence on the question in hand is most clear. Genesis resolves the issue entirely in terms of the unioriginal theory. Further, beyond the sacred record we have no authentic historical evidence bearing directly on the problem; this circumstance in itself lends unique authority to scripture's word.

The evidence of history does not, however, stand alone. Reason, de Maistre believes, supports his contention with equal force. The force of the rational argument derives, he tells us, from a principle universally accepted among the learned and scientific and which Newton has laid down as one of the principles of his natural philosophy: the principle of minimal causality:

On peut invoquer ici [he writes] un principe général dont l'illustre Newton a fait une des bases de sa philosophie; c'est qu'on ne doit point admettre en philosophie plus de causes qu'il n'est nécessaire pour expliquer les phénomènes de la nature.....Quand un petit nombre de moyens suffisent pour produire un effet il n'en faut pas mettre davantage.....²

This principle, he maintains, has already been employed by Linnaeus in an inquiry strictly analogous to the present question, that is, in his quest for the basic system of classification of natural forms, and has led the great scientist to adopt a unioriginal theory of the origin of kinds. According to Linnaeus:

Une longue suite de siècles ayant pu avoir produit des causes accidentales pour toutes les variétés qu'on remarque dans chaque espèce différente d'animaux on peut en conséquence admettre comme axiome qu'il n'y a eu dans l'origine qu'une seule couple de chaque espèce qui se multiplient par le moyen des deux sexes.....³

¹Ibid., p. 542.

²Ibid., pp. 542-43.

³Ibid.

On the basis of the universal acceptance of this principle and because of its successful and convincing employment by Linnaeus in an analogous inquiry de Maistre feels justified in holding that the principle of minimal causality requires us logically and rationally to accept the unioriginal theory for man also. For in such a natural inquiry man is not exempt from the force of general scientific principles and in his case as in those of other species accidental causes operative through long periods of time may be accepted as ample explanation of any divergencies and variations among the "races" of men; therefore he concludes:

Ainsi la raison parle aussi haut que la révélation pour établir que le genre humain descend d'un couple.....¹

It may be difficult at first to ascertain just what the relation of this discussion might be to the central issue under consideration, but in de Maistre's opinion this conclusion in favor of the unioriginal theory of human descent bears directly upon the original societal form among men. By this it is clearly established that the primitive form of society, its prototypical form both historically and genetically is the family; further, also, that a primitivistic conception of our first parents' natural state or condition is untenable.

The divine purpose in constituting sexual differentiation, de Maistre believes, is clearly to provide a secondary causal force whereby the divine design of an earth peopled by men might be realized. The group or sum of mankind is thus intended in the positing of the original elements, the male and female of the species. Man and woman are thus primordially constituted in the divine plan as the primitive social unit, the whole of their biological and spiritual endowment being ordained to the divine purpose of the complete human society:

On ne niera pas sans doute que la terre en général ne soit destinée à l'habitation de l'homme; or la multiplication de l'homme entrant dans la vue du createur il s'ensuit que la nature de l'homme est d'être réuni en grandes sociétés sur toute la surface du globe.....²

The end, the total group or series of groups, is posited in the beginning, the sexual pair.

Yet the sexual pair is incomplete without offspring; consequently it is not the first couple, merely as a couple which

¹Ibid. ²Etude, Bk. I, chap. II, OE., I, 315.

constitutes the primordial social unit, but the fruitful couple, parents and offspring together. Together these form a natural, indissoluble prototypic unit, the metaphysical pattern, the physical and spiritual spring of all group life.

As the second consequence of the unioriginal theory de Maistre draws the opinion that the original condition of our first parents can only have been one of physical and spiritual maturity and perfection; his own words best depict this condition as he conceived it:

Mais ce couple n'ayant jamais été dans l'état d'enfance et ayant toujours dès l'instant de sa création toutes les forces de notre nature dut nécessairement être revêtu dès ce même instant de toutes les connaissances nécessaires à sa conservation, de plus comme il était environné d'animaux plus fortes que lui et qu'il était seul il doit encore nécessairement être revêtu d'une force et d'une puissance proportionnée à ses besoins: enfin toute intelligence crée ayant des rapports naturels avec l'intelligence créatrice, le premier homme dut avoir sur la nature sur ses devoirs et sur sa destination des connaissances très étendues et qui en supposent une foule d'autres. Rousseau et tant d'autres font pitié en confondant sans cesse l'homme primitif avec l'homme sauvage tandis que ces deux êtres sont précisément les deux extrêmes.....¹

To this primitivism he opposes the ancient belief of the golden age, cloaking it with the robes both of authority and of reason and restoring original sin to its traditional place as the determining factor of many de facto conditions of human life, as distinct from the true condition man was originally intended to enjoy.

The line of development of societal forms de Maistre would therefore have us believe passed directly from the original parents to the term of a fully populated and organized group of societies covering the earth. Of the forms which must necessarily, by the laws of all development, intervene between these extremes he has relatively little to say, explicitly. He does, however, leave certain definite indications of the form his opinions, had he expressed them at length, would have taken. Accepting as the basis of our speculation his conception of the illimitable generative principle as the driving force of the process of societal development and his eulogy of Genesis and the Old Testament in general as the ideal record of the infancy

¹ Examen, chap. I, OE., VII, 543-44.

of the human race, we may safely draw several conclusions. The patriarchal state naturally presents itself as the step in development next in order above the family, since it is in essence only an extension of the family and of the generative principle itself. Again as to the moment of differentiation among the larger groups, whatever one may wish to call them, and the generative group, ie., the group which is the immediate outcome of the action of the generative principle, it is safe to conclude that de Maistre would place this moment at the juncture at which the generative seat and the seat of authority ceased to be identical. Such a rupture would necessarily be brought about in the course of time by the very action of the generative principle itself. As long as the blood line is distinct de Maistre believes that the problem of the seat and nature of sovereignty does not arise: it is clear that parental and patriarchal authority are generative in nature and naturally reside in the seat of generation; when the clarity of the blood line is obscured by multiplication and death, operative at the extremes of the generative line, the divorce of the generative and sovereign or authoritative seats is inevitable. At this point the social unit as something distinct from the blood unit arises, and some other force becomes the primary social tie, never entirely replacing, but assuming the function of the blood tie in binding the group into a cohesive whole.

3. De Maistre's Doctrine of the Nation

The conjecture ventured above is firmly corroborated by de Maistre's own words. He carries out, between the nation and the individual and family, a close analogy of generation. He writes:

Les nations naissaient et périssent comme les individus; ils ont des pères au pied de la lettre et des instituteurs ordinairement plus célèbres que leur pères.....¹

This distinction between the père and the instituteur of the nation, though somewhat ambiguous, is nevertheless of great importance, for it indicates the actual transference of emphasis from the blood to the spiritual and cultural bond as the basic social tie. By père de Maistre intends the residual blood relation which he believes to be basic to every true national group; this blood tie is never completely obliterated, but by

the time the group approaches the status of a nation it has become so thin and diffused that it no longer serves as an effective social bond, or at least is impotent to give birth to a form and bond adequate to the unity of the larger group. It is at this moment that the "instituteur arises"; it is his genius and function to sense the definitive character of the nascent nation and to give it by laws, etc., the form which will best manifest and realize this character:

...le plus grand mérite de ces instituteurs soit de pénétrer le caractère du peuple-enfant et de la placer dans les circonstances qui peuvent en développer toute l'énergie.....¹

He cites the greatness of the "lawgiver" of antiquity as the true example of the instituteur, substituting, as did Moses, a moral for a physical bond of unity.

Nevertheless, it yet remains to be made clear just what it is which unifies the nation. Laws alone, history makes amply clear, can never do this; they are efficacious only in virtue of some deeper bond which inclines the group to accept a common legal code. This need of a deeper principle of unity to account for the oneness of the nation de Maistre recognizes clearly enough and he maintains that this deeper bond in fact does exist; it is the "national soul"; the true work of the institutor is to free this soul for self-expression and realization.

Les nations ont une âme général, une véritable unité morale qui les constituent ce qu'elles sont.....²

To this soul de Maistre traces both the moral unity and the specific character of each nation; and in order to clarify this conception of the "national soul" he attempts to analyze its components.

Chief among these components of the national soul must be counted the national dogmas. The nation, de Maistre believes, even though it should be of a pure, homogeneous physical derivation (which only remotely might prove to be the actual case), can exist as a moral unity only if there is absolute unanimity of mind, spirit and idea. Such unanimity, he believes, cannot be gained by the free play of individual reason, for the direction of the individual reason is toward the creation and agitation of speculative problems rather than toward the clear cut resolu-

¹Ibid.

²Ibid.

tion of vital and active issues, toward analysis and contemplation, rather than toward plan and action. But the national soul is a principle of action, of social and political life, not of speculation and contemplation; the need of the nation is not original and personal conviction but group drive toward action. Still, action is consequent upon idea; therefore he writes:

La raison humaine réduite à ses forces individuelles est parfaitement nulle, non seulement pour la création mais encore pour la conservation de toute association politique et religieuse parcequ'elle ne produit que des disputes, et que l'homme pour sa conduite, n'a pas besoin de problèmes.....¹

What makes for action and unified action is the submission of the individual reason, the renunciation of individual reason and the acceptance of beliefs; therefore, the above continues:

....l'homme pour se conduire n'a pas besoin de problèmes, mais de croyances. Son berceau doit être environné de dogmes et lorsque sa raison se réveille il faut qu'il trouve toutes ses opinions faites, de moins sur toute ce qui rapporte à sa conduite.....²

Dogmas, so necessary to the individual as an agent, are especially necessary for any kind of association and for that distinctive type of human activity, life in the group. Indeed, it is only as the individual enters into the active life of the group that his activity takes on truly human stature: morals, culture, religion, government, art, these are essentially group functions and activities, and they are impossible without the individual's acceptance of the beliefs or dogmas of the group in which he acts. De Maistre is tireless in his reiteration of this opinion.

Il n'y a rien de si important pour lui que les préjugés. Ne prenons point ce mot en mauvaise part. Il ne signifie point nécessairement des idées fausses, mais seulement, suivant la force du mot, des opinions quelconques adaptées avant tout examen. Or ces sortes des opinions sont le plus grand besoin de l'homme, les véritables éléments de son bonheur et la Palladium des moeurs. Sans elles il ne peut avoir ni culte ni morale ni gouvernement. Il faut que il y a une religion de l'état comme une politique de l'état, ou plutôt il faut que les dogmes religieux et politiques mêlés et confondus forment ensemble une raison universal ou national assez fort pour réprimer les aberrations de la raison individuelle qui est de sa nature l'ennemie mortelle de toute association quelconque parcequ'il ne produit que des opinions divergentes.³

The nation, therefore, is a moral unity, the vital principle of

¹Ibid., Bk. II, chap. X, OE., I, 375.

²Ibid.

³Ibid.

which is the national soul, and the national soul, in turn, has as its chief element the national reason, which negatively is defined as the renunciation and annihilation of the individual reason: "Cette raison nationale qui n'est autre chose que l'annéantissement des dogmes individuelles,...."¹ and, positively, as the absolute dominance over individual reason and opinion of the national dogmas or beliefs. These dogmas, de Maistre points out, embrace the full range of human opinion: they may, and indeed must, be religious, political, ethical; in each and every one of these departments the individual reason is a solvent and destructive, the group reason the vital and constructive, force. Freedom of individual reason spells anarchy in government, heresy in religion, perversity in morals; the group mind alone can insure sane, wholesome, and vigorous group life: "Toutes les peuples connus ont été heureux et puissants à mesure qu'ils ont obéi plus fidèlement à cette raison nationale."²

The clearest indication of the existence of and the health of the national soul, aside from the flourishing of institutions, morals, and religion, de Maistre believes, is unity and purity of language: "Les nations ont une âme générale une véritable unité morale....et celle unité est surtout annoncée par la langue....."³ This in itself will strike no one as a novel doctrine, for it has always been recognized that unity of language is one of the clearest marks of the unity of a nation. To appreciate the special force of this contention in de Maistre's case, however, one must recall his particular doctrine of language. It will be recalled, from the brief discussion of this point given above, that de Maistre speaks of the "interior" and of the "exterior" word, and designates the interior word as the conscious formulation of thought, not to be distinguished in reality from thought itself, and virtually the form of the thinking principle in man. By an exact parallel, the distinctive language of a nation is the form of the national reason and soul, the conscious formulation and expression of national belief and sentiment. It is no mere uniformity of verbal, grammatical and syntactical usage, of which he speaks, but unity of the word in this interior sense, which is indistinguishable from the unity of the national

¹Ibid.

²Ibid.

³Ibid., Bk. I, chap. IV, OE., I, 325.

consciousness and soul itself.

5. The Origin of Government

Continuous with his treatment of the origin of society is de Maistre's consideration of the origin of government. This distinction between society and government, while obvious and commonly accepted, is nevertheless of considerable importance. Various bases for the distinction have been offered in the course of speculation of political science and the distinction which de Maistre offers is a direct corollary of his doctrine of the origin of society.

Stated in its most succinct form his thesis on the origin of government as distinct from the origin of society may take the following form: Society is natural to man in virtue of the primordial disposition of man's nature by God; government is natural to man only by virtue of an essential corruption or defect of his nature. Both society and government are natural to man, that is, spring from his essence; but government, as such, springs from an aspect or element of that essence which is corrupt. De Maistre writes:

Concluons donc toujours comme Marc Aurèle: 'L'homme est social parcequ' il est raisonnable'; ajoutons encore: mais il est corrompu dans son essence et par conséquent il lui faut un gouvernement.....¹

What, we may well ask, is the nature of this corruption? De Maistre's reply to this query proves to be identical in substance with the doctrine of the "two laws" which is so familiar to students of western ethical theory:

Tous les êtres qui nous environnent n'ont que une loi et la suivent en paix. L'homme seul en a deux...et tous les deux l'attirant à la fois en sens contraire, il éprouve un déchirement inexplicable. Il a un but moral vers lequel il se tient obligé de marcher; il a le sentiment de ses devoirs et la conscience de la vertu. Mais une force ennemie l'entraîne, et il la suit en rougissant.....²

These two laws are traceable, in his opinion, to a primordial trauma in the human spirit whereby its primitive integrity, while remaining intact in substance, is nevertheless disturbed in its equilibrium, i.e., the structure of its internal relations, and in one element, the will, sorely wounded:

¹Examen d'un Écrit de J. J. Rousseau, OE., VII, 556.

²Ibid., p. 557.

L'homme, comme tout être pensant est ternaire, de sa nature; c'est un entendement qui appréhende, c'est une raison ou un logos qui compare, et qui juge, c'est un amour ou une volonté qui se détermine et qui agit; or, quoiqu'il soit affaibli dans les deux premières puissances, il n'est réellement blessé que dans la troisième et même encore le coup qu'il a reçu ne l'a privé de sa qualité primitive: elle veut le mal mais elle vaudrait le bien.....¹

One readily recognizes here an analysis of the effects of original sin such as all traditional theology would accept: only de Maistre's application would seem to be a bit unusual. Before proceeding to this application, however, he pauses to point out an error which he believes he perceives in Rousseau's opinions on this point. Rousseau, according to de Maistre, wishes to maintain the untenable paradox that although man is wounded in his essence he is yet naturally good; he writes:

Rousseau ne peut contredire la conscience universelle. 'Les hommes sont méchants,' dit-il, 'une triste et une continuelle expérience dispense de la preuve.' Mais il ajoute toute de suite, 'cependant L'HOMME est naturellement bon.....'²

De Maistre believes this distinction between men and the generic abstraction, MAN, is entirely invalid and the imputation to the one, MAN, an integrity unverifiable in the other, men, quite unwarranted. Although making light of this argument of Rousseau's he is yet anxious to protect himself against it because he has assumed the task of sustaining the scarcely less questionable thesis that government is at once natural and coercive of nature. He returns to this thesis.

Since the strife of the two laws is the central fact in man's moral life, it is obvious that the purpose of moral effort must be to achieve and maintain the law of the good: "il est clair que ce qu'il y a de bon dans l'homme doit gouverner ce qu'il y a de mauvais"³ In the individual this is precisely the ethical problem; in society it is the direct problem of government or sovereignty. As the problem, strictly analogous in the individual and in the group, formulates itself in de Maistre's view, it may be stated thus: The ideas of justice, both political and ethical, are innate in man; consequently, in these matters, the judgment, when free from the influence of passion which springs from the weakness of the degenerate will, is infallible.

¹Ibid., p. 565.

²Ibid., p. 558.

³Ibid., p. 564.

The ethical problem, therefore, is to insure the fulfillment of these judgments over the protestations of the corrupt will. A freely effective force must be established in the individual and in the group, impervious to the suasions of the corrupt will, to carry out the dictates of the infallible judgment. In the individual this force is mystic: it is grace; in the state it is sovereignty or government.

The argument with respect to government itself is somewhat narrower. It is based on the same contention that a judgment passed by the mind free from passion is infallible in these matters. A third or disinterested party is therefore the best judge in any dispute since, since the third party will prove relatively free from the passion of self interest, in this particular instance at least. Given, in addition, force whereby to effectuate his judgment, the third party becomes the perfect instrument for the vindication of the infallible judgment; hence, in turn, the justice of the situation in which it is right for men to be judged and coerced by their own kind so long as sufficient detachment in the judging and coercive party is assured. The whole character of sovereignty flows from its detachment in judgment, while its need in society flows from the necessity of insuring justice despite the pull of the corrupted will. From this account of its origin, de Maistre proceeds to deduce the chief attributes of sovereignty.

CHAPTER IV

THE NATURE AND SEAT OF SOVEREIGNTY

1. Introduction

De Maistre's thought, as it has often been suggested in the preceding pages, may many times best be glimpsed through the veil of his polemics. He was in general revolt against the philosophy of the 18th century and against certain principles of polity which, he believed, rested upon that philosophy; this opposition evoked in large part the formulation of the propositions to which he gave his assent. One of the central issues of this conflict with 18th century philosophy, as we have seen, was the origin and nature of society; his opposition to the wide spread and influential theory of the contract origin of society occasioned the formulation of his own position that man's human and social characters are identical.

Intimately connected with this problem of the origin and nature of society, indeed, arising directly from it, is the problem of the nature and seat of government, or sovereignty. The contract theory of the state, extending its first principle, individualism, maintained that sovereignty, if not physically at least genetically, is identical with the consent of the contracting parties, evoked and allocated and constituted by the confluence of contracting wills. Against this extension of the radical principle of contractualism de Maistre naturally finds himself in opposition; and the counter-proposition which he offers is itself in turn an extension of the first principle underlying his solution of the problem of the origin of society. Since society does not originate in the will of man, neither can sovereignty, the cement of societies; its true origin must be one with the origin of society itself, namely, the creative will of God.

This general proposition, however, is not completely unambiguous, and its ambiguity occasions more than one uncertainty. For de Maistre has already declared that man's need to live in society and man's need to be governed arise from diverse aspects

of his nature, the first from its integrity, the latter from its corruption. Society, sovereignty, government, these he distinguishes quite clearly: sovereignty is the moral force whereby society is government. Whence therefore does sovereignty arise; from the integrity of human nature, as society itself, or from its corruption, as the need of government does; or possibly from the original telos of society by way of the corruption of the nature? Dependent upon the reply to this question, of course, will be the answer to the further problem which immediately arises: what are the attributes of sovereignty itself; and finally to the question, where in society is sovereignty allocated?

These are the problems which his own formulation of the issue force upon him, and it is to discuss his solution to them that this present chapter is planned. Its first aim is to determine more clearly what, to de Maistre's mind, is the origin of sovereignty as such, what its nature or attributes, and lastly where in the social body he conceives this quality or attribute of sovereignty radically to inhere. These problems, though distinct, are naturally inseparable and the solution of one naturally will depend in great part upon the solution of the others.

2. The Origin and Nature of Sovereignty

The key to de Maistre's doctrine of the origin and nature of sovereignty lies in his proposition that man is subject to two laws, distinct and antagonistic, which turn his interior and social effort into a ceaseless conflict, the one "law" prescribing for him the good he should seek and follow, the other inclining him to an evil he would not:

Tous les êtres qui nous entourent n'ont jamais qu'une loi et la suivent en paix. L'homme seul en a deux et tous les deux l'attirent à la fois en sens contraire....¹

The rectitude of man's life depends upon the supremacy of the law which indicates and draws him toward the good, but since the law of evil is intrinsic to his nature, man cannot of his own power insure this supremacy. Only an objective force, which is not involved in this inner conflict can insure the supremacy of the law of the good.

This picture is true in the first instance of the individual soul or personality, and in the case of the individual

¹Examen d'un Écrit de J. J. Rousseau, OE., VII, 556.

the force which resolves the conflict is grace. With equal truth, however, this picture depicts the situation of men as social creatures destined by nature to live together and indeed deriving, even as individuals, the full stature of their humanity from their activity as members of society. The two laws are active equally in society and in the individual, and the force which resolves the conflict in the group is sovereignty.

This, then, is the true origin of sovereignty: the need for a force to resolve the social conflict of the two laws. Sovereignty arises, consequently, from the same general source in man's nature as the need for government, namely, the essential corruption of one element of man's nature, for it is this corruption which occasions the two laws, the need of government to insure the supremacy of the law of the good, and finally sovereignty as the instrument of the purpose of government. Hence also arises de Maistre's conception of the functional nature of sovereignty: a force acting upon the social group to resolve the conflict of the two laws. This fundamental character of sovereignty further involves all the attributes of its absolute nature, which may be logically deduced and elaborated in detail.

From this functional character, consequently, it may first of all be deduced that the most basic characteristic of sovereignty must be detachment. Sovereignty must by nature be detached from that turmoil of passion and conflict of interests, which constitutes the social operation and manifestation of the two laws. Only by virtue of such detachment can the infallibility of the native judgment be insured, the pure claims of justice be recognized and the power to act upon these claims guaranteed. De Maistre expresses this idea thus completely:

....plus le chef sera séparé de ses subordonnés moins il aura de contact avec eux, plus l'avantage sera sensible parcequ'il y aura moins de chance en faveur de la passion contre la raison....¹

This freedom from involvement in the issues to be resolved, while it insures clarity of judgment still leaves the sovereign powerless to effectuate the just judgment. Consequently, the functional character of sovereignty dictates that it possess the further attribute of force: sufficient moral and physical power to effectuate its judgment. In one passage

¹Ibid., chap. II, OE., VII, 566.

de Maistre, giving this idea rather extreme formulation, declares that sovereignty resolves itself ultimately into fear on the one hand and force on the other. Tempered to a more equitable expression, his opinion resolves itself into the proposition that coercive force is an essential constitutive of sovereignty as such.

In this endowment of force de Maistre perceives an argument against the theory that sovereignty can be "created" or called into being by the donation of individual wills which in the course of event will become the object of sovereignty's action. Granting for the moment that such a donation is possible, or meaningful, in terms of a strict individualism such as the donation theory presupposes, de Maistre maintains that these attributes of sovereignty, detachment and coercive force, preclude its origin in such a donation:

Nul peuple [he argues] comme nul individu, ne pouvant posséder une puissance coercitive sur lui-même, s'il existait démocratie dans sa pureté théorique il est clair qu'il n'y aurait point de souveraineté dans cet état, car il est impossible d'entendre par ce mot autre chose qu'une puissance réprimante, qui agit sur le sujet et qui est placée hors de lui.....¹

De Maistre is equally opposed to the variations on the donation theme which have been put forward, he tells us, by those advocates of "popular sovereignty" who retain enough logical acumen to discover the shortcomings of the donation theory. It is meaningless to hold, he argues, that the people as a whole is sovereign, for, in order actually to possess sovereignty a person or group of persons must be able to exercise it; but the body of the populace cannot exercise coercive force over itself as a whole, especially in view of the correlative democratic doctrine of the necessity and inviolability of minorities. The only means by which the mass of the people can effectuate the sovereignty it is supposed to possess is delegation; but in this case it is the party of delegation which is actually sovereign, for where coercive force and detachment are, there is actual sovereignty. Again, he maintains, there is no meaning in Rousseau's contention that in the perfect state each citizen is souverain pour sa part, for the very essence of sovereignty demands that it be one and unified over and distinct from the body

¹Etude, Book II, Chap. IV, OE., .466.

of the governed, not strewn piecemeal through the atomic multiplicity of the people; further, again "sovereignty" like "subject," is a term to be defined only relatively: a sovereign without subjects, a subject bound to no sovereign, these are equally vacuous terms. Yet this is exactly the status to which Rousseau wishes to degrade them, for if all are sovereign, there is no sovereignty. Or is Rousseau prepared to say that all are subjects of all? Then this is not democracy but tyranny. Sovereignty, by its nature must be detached from the body of the governed, hence flows its functional validity and strength.

As a consequence of this detachment, de Maistre continues, pursuing anew his analysis of the attributes of sovereignty, sovereignty must be absolute; it will by its nature tolerate no limitation. Any limitation placed upon it in any direction cannot fail to qualify its essential superiority and detachment, and hence is by nature and definition insufferable. Is it the judging faculty of sovereignty which is to be limited and constrained? Then it loses that very quality which constitutes it: the freedom to exercise without distraction of interest and passion the infallible judgment with which it is endowed. Is it the effectuating power of sovereignty which is to be limited? Then just as surely sovereignty is paralyzed in the very source of its life, for it is precisely this power to effectuate completely, by force, commensurately with its judgment, which constitutes sovereignty in its dynamic essence:

Toute espèce de souveraineté est absolue de sa nature; qu'on la place sur une ou plusieurs têtes, qu'on organize les pouvoirs comme on voudra, il y aura toujours en dernière analyse un pouvoir absolu....qui sera donc sous ce point de vue despotique dans toute la force du terme,.... 'la limiter c'est la détruire.'¹

Thus for sovereignty in its essence; but even further, in any given polity sovereignty is always absolute in the sense that it is one, unique, indivisible, and irreducible. The mechanics of polity, though they may disguise, cannot destroy this quality, and without exception every form of polity, no matter how complex in structure, subdivision, and distribution of function will, upon close analysis, yield in the end this pure nugget, the ultimate unity and uniqueness of sovereignty:

¹Ibid., Bk. II, chap. I, OE., I, 417, 418.

the point to which all ruling power must be referred and its spring and source:

De quelque manière qu'on définisse et qu'on place la souveraineté, toujours elle reste une.....Partout les pouvoirs peuvent être considérés comme des délibérations d'un souverain unique....dès que le parti est pris l'effet est le même de part et d'autre: et la volonté du souverain quelconque est toujours invincible.....¹

As a consequence of the absolute character of sovereignty, the sovereign (whether this be physically one or multiple) is necessarily above all judgment. Such judgment upon it would constitute as we have already said, a direct infringement of its essential character and by the same act, if recognized as possible and legitimate would set up a new focal point of sovereign force. For judgment is the essential prerogative of sovereign power; where the right to pass judgment exists, there sovereignty exists and in this prerogative the sovereign can tolerate no rival:

Le souverain ne peut donc être jugé; s'il pouvait l'être la puissance qui aurait ce droit serait souverain, et il y aurait deux souverains, ce qui implique contradiction.....²

Even where, in a polity, the functions of sovereignty are divided, de Maistre does not recognize the power of any branch to judge another; the right to resist, he recognizes, the right to judge, he does not:

Le principe est si incontestable que là même où la souveraineté est divisée comme en Angleterre, l'action d'un pouvoir sur l'autre se borne à la résistance, Les Chambre des Communes peut refuser un impôt aux instances du ministre; la Chambre des Pairs peut refuser son assentiment à un 'bill' proposé par les deux chambres; mais si vous donnez au roi le pouvoir de juger et de punir la Chambre basse pour avoir refusé un impôt par caprice ou par méchanceté, si vous lui attribuez le droit de forcer le consentement des pairs lorsqu'il lui paraît qu'ils ont repoussé sans raison un bill agréé par les communes; si vous investissez l'une des chambres ou tous les deux du droit de juger et de punir le roi pour avoir abusé du pouvoir exécutif il n'y a pas de gouvernement: le pouvoir qui juge est toute, celui qui est jugé est rien.....³

At this point de Maistre adds, in support of his argument, an historical note drawn from France's experience during the constructive phase of the revolution. The failure of the Constituent Assembly to achieve an historically realistic constitution stems, he holds, from its failure to grasp this fact:

¹Ibid., pp. 418 ff.

²Ibid.

³Ibid., p. 419.

L'assemblée constituante des Français ne se montre jamais plus étrangère à tous les principes politiques que lorsqu'elle osa décréter le cas où le roi serait censé avoir abdiqué....¹[referring to the constitution of 1791, chapter II, sec. 1].

In defining this case: the circumstances under which it could be concluded that the king had abdicated his power, de Maistre believes that the assembly makes it amply clear that it did not conceive the king to be de facto a sovereign at all, or, rather, sought on the one hand to endow him with the circumstances of sovereignty while denying him its substance: "Ces lois détronaient le roi formellement; elles décrétaient à la fois qu'il aurait un roi et qu'il n'y en aurait point."² This was done, he further believes, because of the failure of the assembly to distinguish clearly between the "metaphysical" or theoretical sovereignty, which it attributed to the nation as such, and actual sovereignty which necessarily must be allocated in a member of society; of the first sovereignty even the assembly, he feels, would not deny that it was absolute, unique and beyond censure; it failed, however, to grasp the same truth about the actual organ of sovereignty, so to say, about the person or group in which sovereignty takes actual and effective form. De Maistre concludes with this general observation:

Plus on examinera cette question plus on se convaincra que la souveraineté ne peut être jugée, ni punie en vertu d'une loi, car nul pouvoir pouvant posséder une force coercitive sur lui-même, tout pouvoir amenable devant un autre pouvoir est sujet de ce pouvoir.....³

These characteristics of sovereignty: absoluteness, uniqueness within a given polity, superiority to all censure, naturally suggest the question of the "rectification" of sovereignty. Is every sovereign then by nature a despot? have the categories of morality and justice no application in his regard? are his subjects bound to him so straitly by an iron chain of circumstance that no avenue of redress is open to them against his aberrations? After all, sovereigns too are human and liable to the moral defections as well as other men. De Maistre recognizes that this is a real problem, when he assures us that, in actual governmental practice, the real concern of the people should

¹Ibid.

²Ibid.

³Ibid., Bk. I, chap. I, QE., I, 320.

be not to prevent the sovereign from acting absolutely, but only from acting unjustly:

Le grand problème ne serait donc point d'empêcher le souverain de vouloir invinciblement, ce qui implique contradiction, mais de l'empêcher de vouloir injustement.....¹

He has stated quite frankly, however, that from one point of view, namely, that of the absoluteness of the sovereign power and its immunity from all censure and criticism, the sovereign is a despot. And this immunity, quite naturally, though lamentably, in the course of events all too frequently becomes the cloak for grave injustices; even the Roman jurists, de Maistre points out, while making it clear that the celebrated maxim princeps legibus solutus refers properly only to civil statutes, yet lament that in practice it is made to cloak enormities of the moral order:

On a beaucoup critiqué les jurisconsultes romains pour avoir dit que le prince est au dessus des lois.....On aurait été plus indulgent à leur égard si l'on avait observé qu'ils n'entendaient parler que des lois civiles.....Mais quand ils auraient entendu que le prince peut violer impunément les lois morales c'est-à-dire sans pouvoir être jugé, ils n'auraient avancé qu'une vérité, triste sans doute, mais incontestable.....²

Yet despite this despotism, which, he admits, seems naturally to inhere in sovereignty according to this view, de Maistre does not conceive the people's position as entirely hopeless, for in the same breath he qualifies the extent of this sovereign impunity. One may not judge the sovereign, he tells us, but one may resist him. Against the sovereign who violates the moral law, one weapon is indisputably at the disposal of the people: revolt and revolution:

...il y aura toujours en dernière analyse un pouvoir absolu qui pourra faire le mal impunément, qui sera donc despotique sous ce point de vue dans toute la force du terme et contre lequel il n'y aura autre rempart que celui de l'insurrection.....³

The contradiction latent in this position does not seem to discover itself to de Maistre. Revolution and resistance, but not judgment? but is not the one, revolution, but a violent and physical form of the other? Does not the right to revolt imply the right to judge, as at least one of the necessary steps to a just revolt? Is not revolt itself a flaming judgment written in blood and destruction? Strange as it may seem, this

¹Ibid., Bk. II, chap. I, QE, I, 422.

²Ibid.

³Ibid., p. 417.

does not seem to be the case in de Maistre's opinion. The principle of the inviolability of sovereignty and that of the inherent right of rebellion seem to exist side by side in the complex structure of the state, indisputable and yet not to be reconciled:

Quand je serais force de convenir qu'on a droit de massacre Neron jamais je ne conviendrais qu'on ait celui de le jurer: car la loi, en vertu de laquelle on jugerait serait faite par lui ou par un autre, ce qui supposerait ou une loi faite par un souverain contre lui-même ou un souverain au-dessus du souverain, deux suppositions également inadmissibles.... On trouvera que tout souverain est despotique et qu'il n'y a que deux partis à prendre à son égard: l'obéissance ou l'insurrection....¹

And thus, it would seem, he would let the matter rest.

The chief attributes of sovereignty then, those which flow from its essence as a remedial force for the correction of an essential corruption of human nature, are absoluteness and uniqueness. Within a given polity, sovereignty is one and indivisible; there can be no division or multiplication, for these evoke a contradiction in terms and in concrete situations which destroys all sovereignty. No subdivision of the machinery of government can destroy this uniqueness, for the sovereignty itself, as long as it is vital and true, remains one and is ultimately referable to one person or one set of persons in the polity. Likewise, from its very nature, sovereignty is absolute: it can tolerate no limitation; to limit it, in Rousseau's words, is to destroy it; from this absoluteness, in turn, flows its immunity to judgment, criticism, censure and punishment. These attributes further impart to sovereignty a despotic character, against which the people have no weapon save the extreme measure of revolt. To obey or to revolt: this is their only alternative before the sovereign.

3. The Seat of Sovereignty

The question of the need of government and the attributes of sovereignty naturally leads de Maistre to the consideration of a further question: has sovereignty a natural seat in society? The problem suggests itself at more than one point in his discussion of the attributes of sovereignty, but most clearly with

¹Ibid., pp. 422-23.

relation to the attribute of uniqueness. De Maistre maintains at that point that no subdivision of the machinery of government, no subdivision of the physical loci of sovereignty, can affect this attribute. Is there then, he asks, at least in ideal terms, a natural seat of sovereignty where possibly the attribute of uniqueness might perfectly be corporealized?

Early in his discussion de Maistre makes it clear that he believes that during centuries of agitation the problem of the natural seat of sovereignty has been forced into false and misleading formulations, which impede, when they do not render impossible, progressive enlightenment of the issue. Chief among these unhappy formulations of the issue, he feels, is one that enjoyed considerable influence at the time he wrote: the alternative that sovereignty must derive directly from God or enjoy a native seat in the people as a whole:

On a disputé avec chaleur pour savoir si la souveraineté venait de Dieu ou des hommes; mais je ne sais si l'on a observé que les deux propositions puissent être vraies....¹

To realize how necessary some reconciliation of these disjunctive extremes truly is, he asks us to consider merely in passing the absurdities which flow from the unqualified acceptance of one or the other member. Let it be supposed that it is true that the people, intending thereby the entire citizenry of any polity, is the natural seat of sovereignty, the natural sovereign. What follows upon this? A mass of contradictions and difficulties:

Le peuple est souverain, dit-on; et de qui? De lui-même apparemment. Le peuple est donc sujet. Il y a ici a pas une erreur, car le peuple qui commande n'est pas le peuple qui obéit.....²

The conception of sovereignty which has emerged from his considerations of the origin of society makes it impossible to rest content with these formulations.

Nevertheless the proper formulation, as he conceives it, does not reject entirely the members of this disjunction. The innovation he advocates is the suggestion that these terms be synthesized and not opposed, that God and the people be considered as the joint spring of effective sovereignty. What is it, he asks, in sovereignty which derives from God and what from the people?

¹Ibid., Bk. I, chap. I, OE., I, 312.

²Ibid., pp. 311-312.

Examinons seulement ensemble ce qu'il y a de divin et ce qu'il y a de humain dans la souveraineté.....¹

The solution which de Maistre offers to the problem formulated in this manner embraces three central theses: first, that sovereignty is, as all things else, the work and will of God; he has brought it into being by the same creative act by which he decreed that man's nature would be social:

....la souveraineté vient de Dieu puisqu'il est l'auteur de tout, excepté du mal, et qu'il est en particulier l'auteur de la société qui ne peut subsister sans la souveraineté.....²

Secondly, apart from and in addition to this general authorship, God's will enters directly into the process by which particular nations and particular types of forms of governments arise; thus each single nation with its particular history and distinctive form as a polity is directly the work of his hand:

La même puissance qui a décrété l'ordre social et la souveraineté a décrété aussi différentes modifications de la souveraineté suivant la caractères des nations.....³

Third, in the actual process of his providence God assigns man a part, secondary but real, in the formation of the forms of government. The part man is permitted to play is never, obviously, of the truly creative order; nevertheless, it possesses a true efficiency:

Cette même souveraineté vient des hommes dans un certain sens, c'est-à-dire, en tant que tel ou tel mode de gouvernement est établi et déclaré par le consentement humain.....⁴

De Maistre's development of these theses forms the body of his opinion on the natural seat of government. In his explication of the first thesis, that one and the same decree of God established man as social and sovereignty as the social bond he assumes that he has clearly proven that society is natural to man. He has proven to his satisfaction that the nature of any entity is to exist in the manner which God decrees for it and that God, as evidenced by the unimpeachable records of revelation and the testimony of reason has decreed that man shall live and propagate in society.

Sovereignty, he continues from this assumption to say, is the most direct and indisputable implication of society itself. Not only is it impossible to discover in the history of mankind the record of any group existing as a group and yet failing to evidence some internal structure of authority; of subjection and

¹Ibid., p. 314.

²Ibid., p. 325.

³Ibid., p. 314.

force, will and obedience, whereby the fact of sovereignty is clearly evidenced; even more, the metaphysical structure of the human group dictates the need of sovereignty. The terms, indeed, are interchangeable: sovereignty has no meaning save in terms of the social group, while society, as organic and vital, and thus distinct from a mere aggregate, has no meaning save in terms of the seat and disposition of sovereignty and submission within the group:

La société et la souveraineté naquirent ensemble; il est impossible de séparer ces deux idées;... si la souveraineté n'est pas antérieure au peuple du moins ces deux idées sont collatérales puisqu'il faut un souverain pour faire un peuple.....

Il est aussi impossible de se figurer une société humaine sans souverain qu'un essaim sans reine; car l'essaim en vertu des lois éternelles de la nature existe de cette manière ou n'existe pas.... Vous représentez l'homme isolé: alors il ne s'agit ni des lois ne de gouvernement, puisqu'il n'est point, tout a fait, homme et qu'il n'y a point encore de société. Mais mettez vous l'homme en contact avec ses semblables.... dès ce moment vous supposez le souverain..... Le mot de peuple est un terme relatif qui n'a point de sens séparé de l'idée de la souveraineté: car l'idée du peuple reveille celle d'une agrégation autour d'un centre commun et sans la souveraineté il ne peut y avoir d'ensemble ni d'unité politique.....

Il faut donc renvoyer dans les espèces imaginaires les idées de choix et de délibérations dans l'établissement de la société et de la souveraineté: cette opération est l'oeuvre immédiate de la nature ou, pour mieux dire, de son auteur....¹

The force of his first thesis then is clear: sovereignty cannot be allocated primordially and originatively in the people any more than society itself can be traced to the people's deliberate choice and creative action. One and the other spring directly from the will of God: in the same act whereby he created man social, he created sovereignty as the bond of society.

De Maistre finds convincing evidence for his second thesis in the common belief of all nations in the divinity of their origins. This thesis, it will be recalled, maintains that God's direct influence is active not only in the creation of sovereignty in general but also in the establishment of particular forms and individual instances of sovereignty. That this is the case, he believes, is the common persuasion of all mankind. Every nation,

¹Ibid., pp. 323 ff

in its national consciousness, is aware that its character, its soul as a nation cannot have been called into being or shaped and determined in its radical characteristics by the will of the group, or by any individual determining will within the group. The will or activity of the group cannot account for the physical and spiritual characteristics which individualize it, nor can any single will effective over the group endow it with essential characteristics. As de Maistre has pointed out before, the most effective work of the "lawgiver" is not to endow a nation with a certain spirit and form, but rather to read its native endowment and to evoke its expression and development. Consequently, even though the course of its history be rich in towering characters who have influenced the life of the group and given it form and purpose, a nation, in retracing its history invariably comes at last to that primitive distinctive endowment which can have come from no source within itself. Hence arise those legends and traditions of the divine institution of customs and laws, magistratures and priesthoods which form part of the spiritual inheritance of every nation and led a sacred quality to the common life of the group.

These legends and traditions are not necessarily history; their true meaning and value cannot be tested by the norms of evidence of history as a science or art. Their true value lies in their recognition of this basic fact: that at some time in the history of the nation the divine hand has reached down and touched its life, to endow it with characteristics peculiar to itself. It is entirely irrelevant to this central fact whether or not these legends and traditions correspond to any event historically verifiable. Their essential function is symbolic and they symbolize a truth which is higher than, beyond history. The legends and traditions of nations dramatize, in terms of events in time and space, essentially spiritual truth. De Maistre summarizes his conviction thus:

Nulle nation n'ayant pu se donner le caractère et la position qui la rendent propre à tel gouvernement, toutes se sentent accordées non seulement à croire cette vérité d'une manière abstraite mais à croire que la divinité était intervenue immédiatement dans l'établissement de leurs souverainetés particulières.¹

¹Ibid., p. 330.

De Maistre proceeds to enumerate some of the primordial characteristics which so predetermine social groups as to place the idea of a social contract beyond the realm of reasonable possibility; he writes:

C'est que le contrat social est une chimière: car, s'il y a autant de différents gouvernements qu'il y a de peuples différents, si les formes de ces gouvernements sont prescrites impérieusement par la puissance qui a donné à chaque nation, telle position morale, physique, géographique, commerciale, etc., il n'est plus permis de parler de pacte. Chaque mode de souveraineté est le résultat immédiat de la volonté du créateur.....¹

As a consequence, he says in a bold figure, "the cradles of nations are surrounded by Gods"; by this aura of divine contact the origins of each nation become sacred and this in turn, rightly understood, points to the indisputable fact that the divine providence directly determines the factors which assign to particular nations their particular modes of sovereignty and government.

It would seem from the burden of his thought on this matter thus far that de Maistre places the whole initiative in the origin of sovereignty upon the divine creative and providential operation. Both to the problem of why there must be sovereignty and to that of why and how particular modes of government arise he offers the same solution: God's activity is directly responsible; and in the last analysis this is the sum of his thought. It is another instance of his learning backward to confute what he considered one of the chief "errors" of his day:

Une des grandes erreurs de ce siècle est de croire que la constitution politique des peuples est une oeuvre purement humaine, qu'on peut faire une constitution comme un horloger fait une montre. Rien n'est plus faux; et ce qui l'est encore c'est que ce grand oeuvre puisse être exécuté par une assemblée d'hommes.....²

In opposition to this tendency of his age de Maistre appears ready to fly to the opposite extreme and to place the whole activity at the door of divine providence. All the agency he will ascribe to man is the agency proper to an instrument in the divine hand.

Nevertheless, if one but recalls his doctrine of instrumental causes, it is quite apparent that he intends by this to assign a very real and valid efficiency to men in the process of

¹Ibid., p. 329.

²Ibid., Bk. I, chap. VII, OE., I, 344.

formation of governments, for in his theory of causality instrumental causes are very real agents.

The development of his third thesis turns about the instrumental rôle of men; in employing men as instrumental causes in the process of instituting sovereign forms, de Maistre tells us, God invariably follows one or the other of two procedures: either he permits the particular form of polity, with its distinctive allocation of sovereignty, etc., to emerge through a long process of formation and growth, which to insensitive eyes might appear haphazard and the work of chance, but which in reality follows a predetermined pattern clear to the eye of God; or, He raises up a leader, an elect lawgiver to the people, who synthesizes in his own dynamic leadership and activity all the stages and moments of progressive development, who leaps the decades and the centuries to establish in a lifetime the polity which God has determined to be best for a particular people:

L'auteur de toutes choses n'a que deux manières de donner un gouvernement à un peuple: presque toujours il s'en réserve plus immédiatement la formation en la faisant pour ainsi dire germer insensiblement comme une plante par la concours d'une infinité de circonstances que nous nommons fortuites; mais, lorsqu'il veut jeter tout à la fois les fondements d'un édifice politique et montrer à l'univers une création de ce genre, c'est à des hommes rares, c'est à des véritables élus qu'il confie des pouvoirs.¹

Of these two methods, by which divine providence shares with man as a secondary agent its creative activity in the formation of human polities, the first is by far the wider in scope, but the second is the more vivid and dramatic and hence for us the more interesting; historically, however, the two methods are equally important. With regard to the first, de Maistre stressed the fact that every government or polity is the result of the co-operation of an almost infinite number of circumstances and variety of factors, physical, moral, geographical, each of which contributes something both to the character of the polity and to the changes and modifications to which it is liable. God, of course, according to de Maistre's opinion, decrees in the first instance all of these circumstances in their amplitude and details, foreseeing their activity in every regard and bending their natural influences to his purpose; it is he who designates the geographical seat of any people on the globe, foreseeing the physical and moral and

¹ Ibid.

cultural effects this will have:

Le créateur a dessiné sur le globe les limites des nations:
Saint Paul parlait philosophiquement aux Atheniens:
'C'est lui qui a fait naître d'un seul pair toute la race
des hommes, pour habiter toute la terre, ayant déterminé le
temps précisément et les bornes de leur demeure dans le
monde.....¹

And again:

....les formes de ces gouvernements sont prescrites
impérieusement par la puissance qui a donné à chaque nation
telle position morale, physique,....²

It must not be concluded from this enumeration, however, that de
Maistre is a determinist in social theory; for among all these
factors by the manipulation of which divine providence brings
about its designs for each nation, are men themselves, free agents
according to their nature. Divine providence must foresee this
free activity and its social and political consequences and still
without presuming upon its essential freedom insure that man's
free choice will contribute ultimately to the divine design.

Although de Maistre considers this germinative process
the ordinary procedure of providence in the formation of polities,
he nevertheless lays great stress upon the second method he has
mentioned: the way of the elect leader. The concept of the lead-
er and founder itself captivates him and he is in awe of the tower-
ing figures of the "fathers of nations" which history presents:

....placés de loin en loin dans la durée des siècles il
s'élèvent comme des obélisques sur la route du temps.....³

Since these men are intended by providence to synthesize in them-
selves the active force and experience of long periods, so that
they may, in a short space, achieve the results which historic
process must consume decades and centuries in producing, they
are, he believes, especially endowed by nature:

....pour les rendre propres à ces oeuvres extraordinaires,
Dieu les investit d'une puissance extraordinaire souvent
inconnue de leur contemporaines et peut-être d'eux mêmes.
Rousseau lui-même a prononcé le vrai mot lorsqu'il dit que
l'oeuvre de l'instituteur des peuples était une Mission.....⁴

The precise work of the institutor of the nation is to bring
to flower in a crisis of history the determinative character-
istics of a people which, before his advent, had lain dormant:

¹Ibid., Ek. I, chap. IV, OE., I, 325.

²Ibid., p. 329.

³Ibid., p. 344.

⁴Ibid., p. 345.

Comme, dans la nature, les germes d'une infinité des plantes sont destinés à périr à moins que le vent ou la main de l'homme ne le placent dans le lieu où ils doivent être fécondes, de même il y a dans la nature certaines qualités, certaines forces qui ne sont qu'en puissance, jusqu'à ce qu'elles reçoivent leur développement des circonstances employées par une main habile. L'instituteur d'un peuple est précisément ce main habile.....¹

And he continues:

....doué d'une pénétration extraordinaire ou, ce qui est plus probable, d'une instinct infallible (car souvent le génie ne se rend pas compte de ce qu'il opère et c'est en quoi surtout il diffère de l'esprit), il devine ces forces et ces qualités occultes qui forment le caractère de sa nature, les moyens de les féconder, les mettre en action et d'extraire le plus grand parti possible. On ne le voit jamais écrire ni argumenter: sa manière tient de l'inspiration: et si quelquefois il prend la plume ce n'est pas pour dissenter, c'est pour ordonner.....²

By this extraordinary activity the growth of long periods is forced into flower in a short space and the nation springs as it were another Athene full grown from the mind and will and "instinct" of the leader. This element of blind instinct "knowing not what it doeth" marks the genius and founder as clearly the instrument of God. Thus, all streams of creative force, alike historic process and the activity of genius, return to their original, the creative and providential will of God.

¹Ibid., p. 343.

²Ibid., p. 344.

CHAPTER V

THE GENERATIVE PRINCIPLE OF CONSTITUTIONAL FORMS

1. Introduction

De Maistre's discussions up to the present have resulted in three conclusions of first importance in political philosophy. He has advanced a resolution of the problem of the origin of society by advancing the thesis that society is, in at least two of the senses legitimate to the term in philosophical discussion, natural: life in society is a basic component of that aggregate of faculties and potentialities which together constitute human nature; the pattern of secondary causes which constitute nature as a dynamic process works toward the actualization of this natural aptitude in man for life in the group, as is evidenced by historical and anthropological testimony that man at all times and everywhere has lived in society. As a resolution of the problem of the nature and seat of sovereignty he has advanced a second thesis, that sovereignty, because of its origins as the corrective of an essential defect in the nature of man, possesses as essential attributes uniqueness, absoluteness, and inviolability, and that its natural seat in the polity is indeterminate so long as these attributes are secured. History alone as historical pragmatic can offer a valid basis for distinction among constitutional forms in terms of value.

At this point by a natural and logical necessity in the progress of his arguments the question arises: by what principle is the rise and formation, and also the dissolution and decay of constitutional forms governed? Is there any vital and dynamic principle in history whereby it is determined, at any given place and time, with relation to any given nation, what form its government will assume, what mutations are determined by its inward forces and whether it is in process to perfection as a form or rather to dissolution and displacement? The discussion obviously in this question rises to the level of the philosophy of history and de Maistre responds to its challenge with the enunciation of a principle which, in its deepest significance, is an attempt to

formulate the law of historic movement. This he calls the generative principle of constitutional forms.

2. The Origin of the "Generative Principle"

The character of this principle as de Maistre expounds it is of the first importance to its ultimate evaluation. For this reason it is necessary to note very clearly that in his conception the generative principle is a principle of experimental history, so to say, and not a philosophic or theological dogma; at least this is his intention for it. Perhaps the most frequently quoted sentence of all de Maistre has written is his statement that: "L'histoire c'est la politique expérimentale."¹ In the context of the problem of the generative principle of constitutions this statement achieves its highest significance. The principle in all its amplitude is intended by its author to be a formulation of the evidence of history in the most acceptable attitude of objective science. This objective and experimental attitude is especially important because it becomes in the last analysis the distinguishing characteristic of the principle as de Maistre proposes it. The content of the principle is not new; it is not too much to say that its whole content is in the Civitas Dei of Augustine; yet what is there expounded as a dogma and illustrated by history is presented in de Maistre's theory as derived from history as the experimental science of politics.

In addition to being thus an experimental conclusion, the generative principle is also, according to de Maistre's conception, a real principle of historic movement. It is the formulation of the physical and spiritual power which is corporialized and temporalized in the events of history. It is of the same nature, according to his own illustration, as the principle of gravity, which, apart from the problem of its validity, can only be adequately conceived as a formula and a force; a formula for man's intelligence and its scientific purposes, a real and physical force in the actual movement of matter.

Being thus a real principle of the movement of history, it must necessarily be conceived as a dynamic principle: one

¹OE., I, 97.

whose reality consists in, as its formulation is derived from, historic movement. It is not a pattern of movement which he is tracing, and in this the principle differs, as a philosophy of history, from a theory such as that of Spengler; being even more experimental it is the dynamic principle by which patterns are determined, situations created and resolved, and processes initiated and terminated.

The principle is, further, dynamic within the limits of the general form of society; it is a social principle, working always and in every movement toward the insurance of the essential elements of society; sovereignty and its attributes, in any situation which might arise. In this connection, the principle must be conceived as wholly constructive; even in apparently destructive phases of its operation, as, for example, in the barbarian invasions of the Roman Empire and in the French Revolution, the solvent force of the principle are secondary and subservient to its constructive force.

Finally, this principle is a principle of nature and not of human art or science. The generative principle is not one which can in its essence be mastered for human purposes; it is impossible that in regard to it man should ever succeed to that mastery, in prediction and manipulation, which is the ideal of experimental science or the practical directive mastery which is art. Only in the incidentals of its operation can he in any way influence and guide its movements. It is not a formula whereby man may master and bend history to his own purposes, but a principle by which he may recognize the character of historic movements beyond his control. Nor is this principle a normative principle. Nowhere does de Maistre imply that he understands the principle to be a norm whereby the value of constitutional forms may be determined, in themselves or in relation to one another, or that he conceives it to be a principle working through the movement of history toward an ideal form of constitution. Rather he is inclined to scout the idea of an ideal state, the utopian dream which has enthralled men in all ages and whose influence in de Maistre's own time and country was so widespread and so directly operative on events. The greatest ideality he is prepared to ascribe to the generative principle is to say that in every movement it inspires it works toward the preservation of the essentials of society and social form: sovereignty and

authority.

3. The Formulation of the Generative Principle of Constitutional Forms

The greatest obstacle which impedes the ready understanding of this principle is that nowhere in his Essai does de Maistre give it a definitive formulation. It is necessary to reconstruct it from the various arguments in the course of the essay. With some hesitation, therefore, the following formulation is ventured, not as definitive, surely, but as a working basis for the better penetration and comprehension of de Maistre's position.

Providence, working through the dialectic of circumstances, is the generative principle of constitutions. This, we believe, distills the essence of de Maistre's thought. The adequate statement of the principle, however, demands explicit inclusion of some of its fundamental premises. Consequently, the following propositions, taken singly and together are essential to its complete statement: the origins of constitutions are beyond the historic control of man's will; their formation is subject to the play of historic circumstances; these circumstances or historic factors fall at any given moment into a definite pattern and confront us with the alternative: that these patterns of circumstance arise from chance or the operation of intelligence; chance is the untenable member of this alternative, while all true causality resolves itself, in de Maistre's own theory¹ into intelligence and will; therefore, of this alternative, intelligence and will is the only acceptable member; the intelligence here concerned, cannot be that of man, which has been explicitly excluded, and hence must be the divine intelligence and will.

4. The Establishment of the Principle

Conclusive evidence that all these component propositions are essential to the adequate statement of the principle is offered by the fact that in seeking to establish the principle on an experimental and philosophic basis de Maistre takes the path of establishing each of the propositions in turn. It is the cumulative weight of their successive demonstration which, to his mind, makes the principle itself invulnerable. We may,

¹Cf. supra, Chapter III.

therefore, achieve a better understanding of the principle by following this line of argumentation by which the component propositions are established.

In the establishment of the first portion of the generative principle de Maistre argues constantly with the thought in mind of the counter-proposition, which in his day held almost undisputed sway over political thought in France. At one point in his discussion, he reduces this counterproposition to its formal statement:

Si l'on suppose d'ailleurs le principe comme posé (et il s'était en effet) que L'homme peut créer un constitution....¹

This counterproposition is the radical assumption of all conventionalist and contractualist theory of the origin of constitutions and of society itself. The arguments in its disfavor, fortified by the events of the revolution, seemed to de Maistre incontrovertible and led him to the conviction that in the formulation of this proposition men must be violating one of the most fundamental laws of the dynamics of history. Upon close examination he finds that history reason and revelation are solidly arrayed against it:

Une des grands erreurs du siècle qui les proferra toutes fut de croire que une constitution politique pouvait être écrite et créée à priori, tandis que la raison et l'expérience s réunissent pour établir que ce que il y a précisément de plus fondamental et de plus essentiellement constitutionnel dans les lois d'un nation ne saurait être écrit....²

The first and in many ways the most striking argument he adduces against this humanistic principle of the origin of constitutions derives from his conception of the nature of constitutive law. He distinguishes sharply between law and civil statute, law and precept or constitutive and regulative law. In this he has the support of the entire western tradition of legal theory. In conformity with this tradition he recognizes the conventional character or civil statutes and regulative laws. De Maistre accuses Locke of confusing or failing to recognize, in his theory of the essence of law, this very primary and fundamental distinction; he writes:

Locke a cherché le caractère de la loi dans l'expression des volontés réunies; il faut être heureux pour rencontre ainsi la caractère qui exclut précisément l'idée de loi. En effet

¹Essai, sec. viii, OE., 1, 242.

les volontés réunies forment le règlement, et non la loi.¹

It is characteristic of conventional laws or statutes and regulations that emanating from wills which are at the same time the wills subject to them, they are amenable to revision and reservation by these same wills. And in this they merely illustrate that deeper character of legislative will, namely, that it is superior to any law which it may make:

....ceux qui ont la liberté de faire ces conventions ne sont pas oté le pouvoir de les revoquer.²

Every state must possess laws of this kind; it is the practical law by which the everyday life of the community and nation is regulated. Such law, however, cannot constitute a nation as such; no aggregate of individuals can legislate itself into the character of a nation and the mere possession of a code of laws can never constitute any group a political society.

In contrast to such conventional regulations, nations are founded upon constitutive law. These latter are of an entirely different character and spring from a source different from the source of regulations. The essence of constitutive law lies in this, that no power within the political entity or nation which it establishes has power to revoke, abolish or alter it:

L'essence d'une loi fondamentale est que personne n'ait le droit de l'abolir.³

This character, obviously, law cannot possess so long as it is the mere enactment of united wills within the group; this character of sanctity and immutability with reference to the subjects for whom it is intended can never be maintained so long as those who legislate and those for whom legislation is intended are identical, either actually or through the device of representation; consequently this sacred and inviolable character of the law constitutive of a nation or polity demands as its author a will superior to the united wills of the governed:

La loi n'est proprement loi que en la supposant comme émanée d'un volonté supérieure.....⁴

This entire distinction between civil regulation and constitutive law turns about the character of the sanction of law.

¹Ibid., sec. 2, Q.E., I, 236.

²Ibid.

³Ibid.

⁴Ibid., p. 237.

It is assumed that law without sanction in terms of coercive force equal to the task of effectuating the law under any normal circumstances is not law.

Force d'un côté, l'obéissance de l'autre, voilà tout le lien de société humain,

is the brutal expression of the idea which de Maistre borrows from a theologian, one Bérghier.¹ With regard to civil regulations such force can be found in the United will of the group and its instruments, such as the police, because the coercive power of all directed against an erring member or minority is sufficient to vindicate the law. The group as a whole, however, is obviously incapable of exercising such force upon the group as a whole; consequently there can be found within the group no true sanction for a law of which the group, as a group, is the subject. For such law a sanction must be sought outside the group. Hence any law truly fundamental to the life of the group as a group, effecting the very existence of the group as a polity must emanate from a source possessed of sanctioning power equal to the task of coercing the group as a whole:

De là vient [de Maistre comments] que le bon sens primordial heureusement antérieur aux sophismes a cherché de tous côtés les sanctions de loi dans une puissance au-dessus de l'homme, soit en reconnaissant que la souveraineté vient de Dieu, soit en révéant certaines lois écrites comme venant de lui.²

Only in a superhuman power, in other words, can sanction equal to the potential coercion of the group as a whole be found.

Law, however, is the absolutely indispensable cement of polity, regulative law for its practical daily life, constitutive law for the essential life of the group. The conception of natural anarchy, the true assumption of conventionalism and contractualism, is the negation of social life. Hence it must be concluded that the generative principle of states and constitutions cannot be human will, whether conceived as the individual or as the group will. The principle operative in the formation of constitutions is superior to human will.

Further circumstances readily observable with relation to man's legislative activity corroborate these conclusions. Wherever man's will is observed to be actually agent in the formation of constitutions, it is seen to be a secondary agent.

¹Ibid., p. 238.

Considering the processes of the rise and decay of empires in history, which is after all the true context of these processes, it is readily seen that man has no synoptic controlling power over the movements of history. It is sometimes protested by humanists that history can at least be thought of as the result of man's activity, if not the intention of his will. But this can be questioned severely. Man's will is within the historic stream, borne by it, not itself directive of the course of the current. Human will can scarcely be conceived of as the generative principle of polity, or of any other institution, de Maistre therefore argues, since man is ignorant of the causes from which historical situations arise and of the course which in the future even of the least of his foundations he can neither predict nor arrange.¹

Again, with reference to constitutive law, it becomes manifest when man attempts to write or compose constitutions that his is a wholly secondary effort. For it is obviously true, de Maistre believes, that the character of any constitution is predetermined by factors antecedent to its formal enactment; the actual framers of a constitution, for instance, of that of America (the example is not de Maistre's work within the framework of their own history, and just as they are compelled to their task of framing a constitution by historic necessity, so by historic necessity the actual form of the constitution which they pen is predetermined. The constitution of a nation emerges from historic reality, and the highest function which man can claim in the process is that of being the instrument of historical force and necessity.²

Constitutive law itself, when examined in its historical context, is seen to emerge from the historic stream and movement, when it appears in a polity either as a development or as a formalized sanction of preexisting right. Again the origin of the American constitution may serve to illustrate de Maistre's principle. The thesis, "No taxation without representation" which became the maxim of our revolution is nothing but the formulation of a pre-existing right, tacitly and practically recognized by the system of agents, etc., and the violation of which, by the

¹Cf. ibid., sec. xxiii, QE., I, 259.

²Ibid., sec. ix, QE., I, 243.

stamp and other acts, became the occasion for its formal recognition as a preexisting right and hence the constitutive law of the relation of the colonies to the mother country, and finally of the American polity as such. In other instances the principle is as clearly, though differently illustrated; the provisions of the Magna Carta, as de Maistre points out,¹ which rightly are considered constitutive of the English polity, were called into existence as sanctions of previous rights; and the council of Trent was, according to de Maistre's opinion, but carrying out in the realm of dogma and church polity the same basic historic principle.²

Moreover, de Maistre presses on to observe, the most fundamental elements of the nation and its way of life, the elements most distinctive of its character as a nation are never formalized and written, and never really can be, without serious danger of disrupting the state:

Ce que il y a de plus essentiel, de plus intrinsèquement constitutionnel, de véritablement fondamental n'est jamais écrit, et même ne saurait l'être sans exposer l'état.³

The reluctance evidenced in the debates of our own constituent assembly to commit to writing and submit to written regulations many aspects of American colonial life illustrate de Maistre's meaning. Men like Jefferson, in arguing for loose and general articles, seem to have been motivated by perception of this difficulty and danger. No written constitution can foresee the infinite possibilities which may confront a situation; and too stringently written articles may paralyze the nation in the face of a new situation which the writers could not possibly foresee.

The combined weight of these arguments from the nature of law and the character of the historic process in which the generation and corruption of nations transpires convinces de Maistre that the proposition that man can by his deliberate effort call into being a constitution or policy is utterly erroneous and dangerous. Constitutions are formed by an historic process which in its most significant movements is utterly beyond man's control and of which he is himself a part. Man's conception of his activity in this direction as truly creative is illusory:

¹Ibid., sec. xvii, QE., I, 251.

²Ibid., p. 252, and cf. ibid., sec. ix, QE., I, 244.

³Ibid.

Nous sommes trompés sur ce point par un sophisme si naturel qu'il échappe entièrement à notre attention. Parceque l'homme agit, il croit agir seul, et parcequ'il a la conscience de sa liberté il oublie sa dépendence.¹

This historical process, upon closer examination resolves itself in de Maistre's opinion into the play of a number of discernible and fairly constant factors or circumstances. Climate, geographical position, economic resources, physical endowment, and the modifications to which this is subjected by climate, breeding, etc., these are some of the factors which he mentions explicitly, to which must be added the activities of man himself:

La constitution est l'ouvrage de circonstances et le nombre de circonstances est infini.....Les lois romains, les lois ecclésiastiques, les lois féodales, les coutumes saxonnes, etc., agissant ensemble et formant par leur mélange et leur action réciproque des combinaisons multipliées ont produit enfin après plusieurs siècles l'unité la plus compliquée et l'équilibre de forces politiques....²

And again, choosing another example, he quotes with approval Montesquieu's statement² that France: "était géographiquement monarchique....."³

The play of this infinitely various flood of circumstances possesses, however, one characteristic which precludes our accepting it as the ultimate principle of the generations of constitutions and which remove the possibility of any kind of determinism, on the one hand, and of pure chance on the other. The elements, no matter what their agitation, variety and kaleidoscopic change of interrelations, always, in the end, fall into some pattern, which, while it may not be enduring, considered against the emergent process as a whole, and which, by its dissolution, may be destined to become a factor in future change, is nevertheless a true pattern of relative perdurance. In view of the invariability of the emergency of pattern can it be ascribed merely to change? De Maistre believes not; on the contrary, he believes, this fact clearly establishes the presence of a guiding intelligence and will in the flux and processes of circumstances.

In establishing this conclusion he pursues a line of argument exactly parallel to the argument for the existence of

¹Ibid.

²Ibid., sec. xii, OE., I, 246-47.

³Ibid., sec. xviii, OE., I, 253.

God from design. If order, progress, and coherence in the physical world argue to a guiding intelligence and will, so must the invariable emergence of constitutional patterns from the historic process. For the principle involved is the same, namely, that order can only result from intelligent intention and will, and since in this instance the intelligence surely cannot be human, only one conclusion remains. Returning to the example of the constitution of England he applies this principle, continuing the passage quoted above:¹

Or puisque ces éléments ainsi projetés dans l'espèce, se sont arrangés en si bel ordre sans que, parmi celle foule innombrable d'hommes qui ont agi dans ce vast champ un seul ait jamais su ce qu'il faisait par rapport au tout, ni prévu ce qui devait arriver, il s'ensuit que ces éléments étaient guidés dans leur chute par une main infallible, supérieure à l'homme.....

The divine hand then must be recognized as agent in the historic process and to it must be referred alike the course of that process itself and each of the constitutional patterns which arise from it.

For this conclusion of reason he finds ample historical evidence in the attitude which invariably characterizes a people's or nation's thought about its own origins. Without exception, he believes, every nation is convinced that its origins are divine, that the divine power has immediately interceded in its birth either by the foundation of a dynasty or by the delivery of an esoteric law through some chosen person, or by the miraculous disposition of events:

Ouvrons l'histoire, qui est la politique expérimentale; nous y verrons constamment le berceau des nations environné des prêtres et la Divinité toujours appelée au secours de la faiblesse humaine,...La fable, bien plus vraie que l'histoire ancienne pour des yeux préparés, vient encore renforcer la démonstration. C'est toujours un oracle qui fonde les cités; c'est toujours un oracle qui annonce la protection divine et les succès du héros fondateur. Les Rois, surtout, chefs des empires naissants sont constamment désignés et presque marqués par le ciel de quelque manière extraordinaire.....²

Such beliefs are not superstitions but to those who can read them aright, yeux préparés valid indications of the historical

¹Ibid., sec. xii, OE., I, 246 ff.

²Ibid.

reality beneath the symbols.

By these successive steps the principle is advanced and each of its component elements illustrated: man's powerlessness to call into being at his will true constitutions; the emergence process of history whereby true constitutions arise; the necessary implication in this process of a divine intelligence and will, guiding and effectuating its movements, and finally the universal testimony of nations to the sacred origins of their constitutions. The crystallization of the radical import of this contention into the single proposition that: providence, working through historic process, is the generative principle of constitutions, is but a simple and natural step.

From the establishment of this principle, de Maistre believes, several conclusions concerning the general character of constitutional forms and the life of nations invariably follow. The first of these is the observation that the internal strength and harmony of a nation derives directly from, and is proportional to, its consciousness of the divine character of its national life. Religion in this sense of the worship of the divine sources of the national life is the true living bond of nations and in the course of history their religious spirit, their appreciation of this principle, has measured their virility and endurance as nations:

Les nations les plus fameuses de l'antiquité, les plus graves surtout et les plus sages, telles que les Egyptiens, les Etrusques, les Lacédémoniens et les Romains, avaient précisément les constitutions les plus religieuses; et la durée des empires a toujours été proportionnelle au degré d'influence que le principe avait acquis dans la constitution politique.....¹

Moreover, he feels that the establishment of this principle justifies the conclusion that religion is the only true civilizing force at work in the world. It alone has led men out of the state of savagery into a condition of culture both material and spiritual. Not philosophy, he remarks with pointed sarcasm, but religion it is which has gone out into the wild places; the missionaries of civilization are those inspired by religion. Religion alone is the truly constructive force at work in the world, and as such it is but the visible extension of the divine

¹Ibid., sec. xxxii, OE., I, 269.

providential agency which guides the entire historic process.

5. The Danger of Reform

Man's part in the process of the generative principle of constitutions is secondary, de Maistre believes, not only in the actual creation of constitutions but also in that secondary aspect or activity of the process, reform:

Non seulement la création n'appartient point à l'homme [he writes] mais il ne paraît pas que notre puissance, non assistée, s'étende jusqu'à le changer en mieux les institutions établies.¹

Some men argue from the obvious imperfections and injustices of existing constitutions to the conclusion that reform is a duty incumbent upon men. In this they suffer, de Maistre believes, from a delusion, in fact a double delusion: first, that such shortcomings are not inseparable from, and essential to, and necessary for various forms of constitutions; second, that any change which they might institute of their own volition could possibly be a reform, an improvement, a mutatio in melius.

It may at first glance seem a contradiction to hold that constitutions have their origins in divine providence and yet are subject to essential and inseparable defects. But this contradiction is plausible only if we lay entire emphasis upon the divine agency as such and do not consider with due attention the material with which the divine will is working, and its purpose. There is no evidence that the providential purpose is to achieve the ideal constitutional form. On the contrary, the purpose of providential activity in the historic process seems clearly to be to achieve the best possible form under the existing conditions with due conservation of all the elements and to insure the maximum realization of the basic components of all society: sovereignty and law. In view of this fact it is obvious to de Maistre's mind that defects are inevitable in every conceivably possible form, because the diversity of elements to be interrelated and adjusted preclude perfection of form with radical alteration of at least one or more of these elements. For example, if men were not possessed of free will, the problem of crime and the administration of justice, the thorniest

¹Ibid., sec. xl, OE., I, 277.

problem in any society, would be practically eliminated. A true understanding of the historic process and its material makes it impossible to escape the conclusion that every form of government and constitution carries with it characteristic and inseparable defects and shortcomings, which, justly considered, are not a reproach to the divine agent but rather a vindication of his respect for the material with which he is working, and especially for the free will of man. Nothing could be more erroneous than to conclude that because a constitution brings in its train abuses and defects it cannot be valid, or that no abuse can validly and constitutionally exist within a governmental form. It would be impossible in truth to conceive a constitution which would be entirely free from such abysses and yet retain its human character:

Mais, disent les partisans de la réforme....les abus sont frappants, incontestables; or, un abus formel, un vice peut-il être constitutionnel?—Oui, sans doute il peut l'être, car toute constitution politique a des défauts essentiels qui tiennent à sa nature et qu'il est impossible de séparer. L'harmonie social est sujette au loi du tempérament, comme l'harmonie proprement dite dans le clavier général.....¹

In this matter of judging abuses and faults, moreover, de Maistre cautions, one cannot be too careful in designating any specific practice as such; for institutions must be judged only by their constant effects and not by collateral inconveniences of which they may prove the occasion. When viewed in this perspective of its constant and, so to say, long range effects this abuse will inevitably appear to be mere discord in the general harmony, as essential to its human completeness as discord to the scale.²

Mere change, moreover, is no guarantee of betterment, for much to the horror of the aspiring reformer changes most frequently give rise to new abuses, even when they may seemingly correct the old, so that the reformer is caught in a net of his own contriving. In the light of this fact alone,

Quel homme sensé ne fremera pas en mettant la main à l'oeuvre.³

De Maistre demands. An even greater deterrent presents itself to the reformer in the consideration that the same factors which nullify his creative efforts are operative in his efforts at reform. In order to reform truly, and not merely to change, the

¹Ibid., sec. xli, OE., I, 279 ff.

²Cf. Essai, sec. xlii, OE., I, 284.

³Ibid.

reformer would have to possess a thorough knowledge and a thorough foresight of the course and trend of the historic process, a complete knowledge of the elements with which he has to deal. He would have to possess, therefore, all the knowledge which is the natural precondition of happy creative effort in the field of constitutional forms. But no man possesses these. He cannot read the future, his knowledge of the elements and forces under his hands is equivalent almost to puerile ignorance.

In view of all this de Maistre feels justified in concluding once and for all that man's activity is a nullity in the reform as well as in the creation of constitutional forms and that the sole agent principle in the historic process of the rise and dissolution of constitutions is the divine providence. Providence is the sole principle really, historically, efficient in the generation of constitutional forms.

